

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BETHANY L.,

Plaintiff,

Case No: 24-10402

v.

Honorable Nancy G. Edmunds
Magistrate Judge Curtis Ivy, Jr.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION [16]**

Plaintiff Bethany L. filed this action challenging the final decision of Defendant Commissioner of Social Security denying her application for supplemental security income under the Social Security Act. (ECF No. 1.) The Court referred pretrial proceedings to Magistrate Judge David R. Grand. (ECF No. 10.) The parties filed cross-motions for summary judgment. (ECF Nos. 11; 14.) Plaintiff requested that the Commissioner's decision be reversed and remanded for a new hearing. The Magistrate Judge issued a Report and Recommendation ("R&R") recommending that Plaintiff's motion be granted to the extent it seeks remand, the Commissioner's motion be denied, and the matter be remanded under sentence four of 42 U.S.C. § 405(g) for further proceedings. (ECF No. 16.)

Neither party has filed objections to the R&R and the time for filing objections has passed. The failure to file objections waives any further right to appeal Judge Grand's findings. See *Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v.*

Arn, 474 U.S. 140, 149 (1985)). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the motions. *Thomas*, 474 U.S. at 149. Nonetheless, the Court has reviewed the matter and agrees with the Magistrate Judge. The Court, therefore, ACCEPTS AND ADOPTS the R&R. (ECF No. 16.)

Accordingly, the Commissioner's motion for summary judgment (ECF No. 14) is DENIED.

Plaintiff's motion for summary judgment (ECF No. 10) is GRANTED IN PART.

The decision of the Commissioner of Social Security is REMANDED for further administrative proceedings consistent with the R&R and pursuant to 42 U.S.C. § 405(g).

SO ORDERED.

s/ Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: January 27, 2025

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 27, 2025, by electronic and/or ordinary mail.

s/ Marlena Williams
Case Manager