

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TILGHMAN COLE PERRY, JR.,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 13-10054

HON. TERRENCE G. BERG
HON. R. STEVEN WHALEN

ORDER ADOPTING REPORT AND RECOMMENDATION (Dkt. 25)

This matter is before the court on Magistrate Judge R. Steven Whalen's January 8, 2014 Report and Recommendation (Dkt. 25), recommending that Plaintiff's Motion for Summary Judgment (Dkt. 21) be GRANTED, that Defendant's Motion for Summary Judgment (Dkt. 17) be DENIED, and that the case be REMANDED to the Commissioner for further proceedings, pursuant to sentence four of 42 U.S.C. § 405(g).¹

The court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently

¹ The fourth sentence of 42 U.S.C. § 405(g) states: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."

review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Nevertheless, the Court has carefully reviewed and does hereby accept the Magistrate Judge's Report and Recommendation of January 8, 2014, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Whalen's Report and Recommendation of January 8, 2014 (Dkt. 25) is **ACCEPTED** and **ADOPTED**.

It is **FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment (Dkt. 21) is **GRANTED**, Defendant's Motion for Summary Judgment (Dkt. 17) is **DENIED**, and the case is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for reconsideration of the weight given to the opinion of Plaintiff's treating physician, Dr. Choung C. Cho.

SO ORDERED.

Dated: January 30, 2014

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on January 30, 2014, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager