

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID A. WILLIAMS,

Plaintiff,

v.

Civil Case No. 15-13375  
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**OPINION AND ORDER**

On September 25, 2015, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for social security benefits. On the same date, this Court referred the lawsuit to Magistrate Judge R. Steven Whalen for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). The parties subsequently filed cross-motions for summary judgment.

On November 28, 2016, Magistrate Judge Whalen issued an R&R recommending that this Court grant Defendant's motion for summary judgment and deny Plaintiff's motion. At the conclusion of the R&R, Magistrate Judge

Whalen advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” Neither Plaintiff nor Defendant filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen. The Court therefore adopts Magistrate Judge Whalen’s November 28, 2016 R&R.

Accordingly,

**IT IS ORDERED** that Plaintiff’s Motion for Summary Judgment (ECF No. 16) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant’s Motion for Summary Judgment (ECF No. 21) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Commissioner’s decision is **AFFIRMED**.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: February 15, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 15, 2017, by electronic and/or U.S. First Class mail.

s/ Richard Loury  
Case Manager