

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIANE R. KING,

Plaintiff,

v.

Case No. 16-13196

COMMISSIONER OF SOCIAL
SECURITY,

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

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 21)

This matter is before the Court on Magistrate Judge R. Steven Whalen's August 29, 2017 Report and Recommendation (Dkt. 21), recommending that Defendant's Motion for Summary Judgment (Dkt. 19), be DENIED, and that Plaintiff's Motion for Summary Judgment (Dkt. 11) be GRANTED and remanding the case for further administrative proceedings.

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 a 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 review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will

therefore accept the Magistrate's Report and Recommendation of August 29, 2017 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 August 29, 2017 is **ACCEPTED** and **ADOPTED**.

SO ORDERED.

Dated: September 27, 2017

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

Certificate of Service

I hereby certify that this Order was electronically submitted on September 27, 2017, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager