UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENDRA POSTELL,

Plaintiff,

v.

Civil Case No. 16-cv-13645
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
_____/

OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S MARCH 1, 2018 REPORT AND RECOMMENDATION [ECF NO. 21]; (2) GRANTING, IN PART, AND DENYING, IN PART, PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (ECF No. 16]; AND (3) GRANTING, IN PART, AND DENYING, IN PART, DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [ECF NO. 20]

On October 13, 2016, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for social security benefits. This case was originally assigned to Judge Mark A. Goldsmith and referred 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). (ECF No. 3.) On January 31, 2017, this matter was reassigned to the undersigned and Magistrate Judge Stephanie

Dawkins Davis. (ECF No. 12.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 16 & 20.)

On March 1, 2018, Magistrate Judge Davis issued an R&R recommending that this Court grant, in part, and deny, in part, Plaintiff's and Defendant's motion for summary judgment, and reverse and remand the matter for further proceedings. (ECF No. 21 at Pg ID 1296.) At the conclusion of the R&R, Magistrate Judge Davis advised the parties that they may object to and seek review of the R&R within fourteen days of service upon them. She further specifically advised 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 Davis. The Court therefore adopts Magistrate Judge Davis' R&R granting, in part, and denying, in part, Plaintiff's and Defendant's motion for summary judgment.

Accordingly,

IT IS ORDERED, that Plaintiff's motion (ECF No. 16) is **GRANTED, in part,** and **DENIED, in part**; and

IT IS FURTHER ORDERED, that Defendant's motion (ECF No. 20) is **GRANTED, in part**, and **DENIED, in part**; and

IT IS FURTHER ORDERED, that the findings of the Commissioner is **REVERSED** and **REMANDED** for further proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g).

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

Dated: March 26, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 26, 2018, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager