

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERESA MORGAN-JOE,

Plaintiff,

Case No. 17-cv-13328
Hon. Matthew F. Leitman

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER (1) RESOLVING MOTIONS FOR SUMMARY JUDGMENT
(ECF ## 10, 13) AND (2) REMANDING THIS ACTION FOR FURTHER
ADMINISTRATIVE PROCEEDINGS**

In this action, Plaintiff Teresa Morgan-Joe challenges the denial of her application for disability income benefits. (*See* Compl., ECF #1.) Morgan-Joe and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* ECF ## 10, 13.) In Morgan-Joe's motion, she seeks an award of benefits, or, in the alternative, a remand to the Commissioner for further administrative proceedings. (*See* ECF #10.) The Commissioner opposes Morgan-Joe's request for benefits but agrees that the Court should remand this action. (*See* ECF #13.)

On September 11, 2018, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended, among other things, that the Court remand this action to the Commissioner for further administrative proceedings (the “R&R”). (*See* ECF #16.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at Pg. ID 654-55.)

Neither party has filed an objection to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because neither party has filed an objection to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommendation to remand this action for further administrative proceedings is **ADOPTED**.

IT IS FURTHER ORDERED that both Morgan-Joe’s motion and the Commissioner’s motion (ECF ## 10, 13) are **GRANTED** to the extent that they seek a remand and **DENIED** to the extent that they seek a ruling on whether Morgan-Joe is entitled to benefits. The Court takes no position, at this time, as to whether

Morgan-Joe is entitled to benefits. The Court **REMANDS** this action to the Commissioner for further administrative proceedings consistent with the R&R and this order.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: October 4, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 4, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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