

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Deborah Ann Byington,

Plaintiff,

Case No. 15-cv-10016

Hon. Judith E. Levy

v.

Mag. Judge Stephanie Dawkins

Davis

Commissioner of Social Security,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE DAVIS'S REPORT
AND RECOMMENDATION [25] ON THE CROSS-MOTIONS FOR
SUMMARY JUDGMENT [20, 23]**

This is a Social Security appeal. Before the Court is Magistrate Judge Davis's Report and Recommendation (Dkt. 25) recommending the Court grant plaintiff's motion for summary judgment (Dkt. 20) and deny defendant's motion for summary judgment (Dkt. 23), issued March 2, 2016. The parties were required to file specific written objections within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. Accordingly, and on review of the Report and Recommendation,

The Report and Recommendation (Dkt. 25) is ADOPTED;
Plaintiff's motion for summary judgment (Dkt. 20) is GRANTED;
Defendant's motion for summary judgment (Dkt. 23) is DENIED;
and

The findings of the Commissioner are REVERSED AND
REMANDED for proceedings consistent with the Report and
Recommendation.¹

IT IS SO ORDERED.

Dated: May 4, 2016
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 4, 2016.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager

¹The parties, by failing to object to the Report and Recommendation, have waived any further right of appeal. *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).