UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

KAREN MARIE	WAGA	AMAN,
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Plaintiff,

CASE No. 1:23-CV-1367

v.

HON. ROBERT J. JONKER

COMMISSIONER OF SOCIAL SECURITY,

Defendant.	

ORDER APPROVING AND ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Berens' Report and Recommendation (ECF No. 13); Plaintiff's Objection to the Report and Recommendation (ECF No. 14) and the Commissioner's Response (ECF No. 15). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the

Report and Recommendation itself; and Plaintiff's objections. After its review, the Court finds

the Magistrate Judge's Report and Recommendation is factually sound and legally correct.

The Magistrate Judge recommends affirming the Commissioner's decision. In her

objections, Plaintiff primarily reiterates and expands upon arguments presented in the original

brief. The Magistrate Judge carefully and thoroughly considered the record, the parties'

arguments, and the governing law. The Magistrate Judge properly analyzed Plaintiff's claims.

The Court determines the Commissioner's decision should be affirmed for the very reasons

articulated in the Magistrate Judge's Report and Recommendation.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the

Magistrate Judge (ECF No. 13) is **APPROVED AND ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the Commissioner's decision is AFFIRMED. A

separate Judgment shall issue.

Dated: September 24, 2024

/s/ Robert J. Jonker

ROBERT J. JONKER

UNITED STATES DISTRICT JUDGE

2