

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVEN JAY NEUMANN,

PLAINTIFF,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

DEFENDANT.

) CASE NO. 1:10 CV 2021
)
) JUDGE SARA LIOI
)
) **ORDER**
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Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [. . .]

28 U.S.C. § 636(b)(1)(C). In this case, the fourteen-day period has elapsed and no objections have been filed.¹ The failure to file written objections to a Magistrate Judge’s report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report.

¹ The R&R was filed and delivered electronically on July 6, 2011 at 2:16 PM EDT. Electronic delivery is virtually instantaneous, provided counsel has configured his email to receive notices of filings in the case. Therefore the objections were due no later than 2:16 PM on July 20, 2011 or, arguably, 11:59 PM on July 20, 2011.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and accepts the same. Accordingly, the Court concludes that the Commissioner's decision denying Supplemental Security Income (SSI) and Disability Insurance Benefits (DIB) was supported by substantial evidence and must be **AFFIRMED**.

IT IS SO ORDERED.

Dated: July 22, 2011



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE