UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

STEVEN JAY NEUMANN,	)	CASE NO. 1:10 CV 2021
PLAINTIFF,	)	
	)	JUDGE SARA LIOI
vs.	)	
	)	**ORDER**
COMMISSIONER OF SOCIAL SECURITY,	)	**(REVISED)**
	)	
DEFENDANT.	)	

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).

The R&R was filed and delivered electronically on July 6, 2011 at 2:16 PM EDT. The original Order entered in this case (Doc. No. 16)[1] stated: "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

[1] For the reasons discussed herein, Doc. Nos. 16 and 17 are both **STRICKEN** and replaced by new documents.

July 20, 2011." However, this was an incorrect statement of the rules. Under both Fed.R.Civ.P. 6(d) and page 6 of the Electronic Filing Policies and Procedures Manual of the Northern District of Ohio (Aug. 31, 2009), an additional three days are added. Therefore, objections were not due until July 23, 2011, which fell on a Saturday. Under Rule 6(a)(1)(C), that extended the filing deadline to July 25, 2011.

That correction having been made, the Court notes that no objections were filed on or before July 25, 2011. 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. *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: August 1, 2011

HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE