

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ZIAD DARABED,

Plaintiff,

CASE NO. 1:10-CV-2626

vs.

OPINION & ORDER
[Resolving Doc. No. [1](#), [19](#)]

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On November 17, 2010, Plaintiff Ziad Darabed filed a complaint seeking judicial review of the Defendant Commissioner of Social Security’s decision to deny him disability benefits. The matter was referred to Magistrate Judge Nancy A. Vecchiarelli pursuant to Local Rule 72.2. On August 29, 2011, the case was referred to Magistrate Judge Kathleen B. Burke pursuant to General Order 2011-18. On December 6, 2011, Magistrate Judge Burke issued a Report and Recommendation recommending that this Court reverse the Commissioner’s decision and remand for further proceedings. [Doc. [19](#).]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a

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party's right to appeal the district court's judgment. *Thomas v. Arn*, 474 U.S. 140, 145 (1985);
United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court
may adopt the magistrate judge's report without review. *See Thomas*, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover,
having conducted its own review of the Report and Recommendation, record, and parties' briefs, the
Court agrees with the recommendation of Magistrate Judge Burke that the Court reverse the
Commissioner's decision and remand for further proceedings.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and
Recommendation and incorporates it fully herein by reference. The Court therefore **REMANDS** this
case to the Administrative Law Judge for further proceedings consistent with this opinion.

IT IS SO ORDERED.

Dated: March 5, 2012

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE