

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GARY ALLEN DYKE, SR.)	CASE NO. 1:13 CV 304
)	
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
COMMISSIONER OF SOCIAL SECURITY,)	<u>AND ORDER</u>
)	
Defendant.)	

Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge James Knepp issued and served on counsel for Plaintiff Gary Allen Dyke via the Court’s electronic filing system on January 27, 2014.

Plaintiff seeks judicial review of the decision of the Commissioner of Social Security denying his application for Disability Insurance. The Magistrate Judge recommends affirming the Commissioner’s decision and dismissing Plaintiff’s complaint.

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) (emphasis added). In this case, more than 14 days have elapsed since the R&R was issued, and Plaintiff, who is represented by counsel, has filed neither an objection nor a request for an extension of time to file one.

The failure to timely file written objections to an R&R 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); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Despite the lack of objection, the Court has reviewed the Magistrate Judge's thorough, well-written R&R, agrees with the Magistrate Judge's findings, and **ADOPTS** the Magistrate Judge's recommendation that the Commissioner's decision be **AFFIRMED** and the complaint **DISMISSED**.

IT IS SO ORDERED.

/s/ Dan A. Polster February 13, 2014
Dan Aaron Polster
United States District Judge