UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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ANTHONY T. TANKER,

: CASE NO. 1:13-CV-00812

Plaintiff,

:

vs. : OPINION & ORDER

[Resolving Doc. Nos.<u>17</u> and <u>18</u>]

COMMISSIONER OF SOCIAL SECURITY,

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Defendant.

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## JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On August 21, 2013, Plaintiff Tanker filed a motion to dismiss. The matter was referred to Magistrate Judge Kenneth S. McHargh. On September 5, 2013, Magistrate Judge McHargh issued a Report and Recommendation that recommended this Court grant Plaintiff's motion to dismiss.

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.<sup>3/2</sup> Parties must file any objections to a Report and Recommendation within fourteen days of service.<sup>4/2</sup> Failure to object within this time waives a party's right to appeal the magistrate's report.<sup>5/2</sup> Absent objection, a district court may adopt the magistrate judge's report without review.<sup>6/2</sup>

In this case, neither party has objected to the Magistrate Judge's recommendation.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge McHargh's Report and Recommendation and incorporates it fully herein by reference, and **GRANTS** Plaintiff Tanker's

 $<sup>\</sup>frac{1}{2}$ Doc.  $\frac{17}{1}$ .

 $<sup>\</sup>frac{2}{\text{Doc. }}$ 18.

<sup>&</sup>lt;sup>3/</sup>28 U.S.C. § 636(b)(1)(C).

<sup>&</sup>lt;sup>4</sup>/Fed. R. Civ. P. 72(b)(2).

 $<sup>\</sup>frac{5}{2}$ . Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949–50 (6th Cir.1981).

<sup>6/</sup> See Thomas, 474 U.S. at 149.

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motion to dismiss.	
IT IS SO ORDERED.	
Dated: September 21, 2013	s/ James S. Gwin  JAMES S. GWIN  UNITED STATES DISTRICT JUDGE