v.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

KRISTEN A. MATEJKA,

: CASE NO. 1:13-CV-1933

Plaintiff,

: OPINION & ORDER

[Resolving Doc. No. 1]

COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION,

:

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On September 4, 2013, Plaintiff Kristen Matejka filed a complaint seeking judicial review of Defendant Commissioner of Social Security's decision to deny her Social Security Disability benefits for lack of disability. Under Local Rule 72.2, the Court referred the petition to Magistrate Judge Kathleen B. Burke for a Report and Recommendation. On June 10, 2014, Magistrate Judge Burke issued a report recommending this Court reverse and remand the Commissioner's decision. The Court ADOPTS the Magistrate Judge's Report and Recommendation and REVERSES AND REMANDS the Commissioner's decision for further proceedings.

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.^{3/}

 $[\]frac{1}{2}$ Doc. <u>1</u>.

 $[\]frac{2}{2}$ Doc. $\underline{20}$.

^{3/} 28 U.S.C. § 636(b)(1).

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Parties must file any objections to a Report and Recommendation within fourteen days of service.^{4/}

Failure to object within that time waives a party's right to appeal the magistrate judge's

recommendation.^{5/} Absent objection, a district court may adopt the magistrate judge's report without

review.6/

In this case, neither party objected to the Magistrate Judge's recommendation. ^{7/} Accordingly,

the Court ADOPTS in whole Magistrate Judge Burke's Report and Recommendation and

incorporates it fully herein by reference. The Court REVERSES AND REMANDS the

Commissioner's decision for further proceedings.

IT IS SO ORDERED.

Dated: July 8, 2014 s/

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

^{4/} Fed. R. Civ. P. 72(a).

⁵/ *Id.*; see *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

^{6/} Thomas, 474 U.S. at 149.

 $[\]frac{7}{2}$ Defendant has filed a response indicating it will not object. Doc. 21.