

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN MASCARO,)	CASE NO. 1:16-cv-00436-DAP
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>ORDER ADOPTING REPORT</u>
)	<u>AND RECOMMENDATION</u>
COMMISSIONER OF SOCIAL,)	
SECURITY ADMINISTRATION)	
)	
Defendant.)	

Before the Court is the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg (“R & R”), Doc #. 14, which recommends that the Court vacate the Commissioner’s decision and remand the matter.

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). However, where a party fails to object, a district court is not required to

conduct any review, *de novo* or otherwise, of the report and recommendations of a magistrate judge. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Here, the Commissioner timely filed a response indicating that she does not oppose the R & R. Doc #: 15.

Accordingly, the Court **ADOPTS** the Magistrate Judge’s R & R, Doc. # 14, in full, **VACATES** the Commissioner’s decision, and **REMANDS** Plaintiff’s case to the Social Security Administration for further proceedings consistent with this Order and the R & R.

IT IS SO ORDERED.

/s/ Dan A. Polster *Dec. 20, 2016*

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE