

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JULIE LINDERMAN,)	Case No. 1:16-cv-944
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
vs.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	MEMORANDUM OPINION
)	AND ORDER
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Thomas M. Parker. The Report and Recommendation (ECF #16), issued on April 4, 2017, recommends that the Court affirm the Commissioner of Social Security's ("Commissioner") final decision to deny Plaintiff's application for Disability Insurance Benefits ("DIB"). This matter is before the Court pursuant to 42 U.S.C. §405(g). The Magistrate Judge found that the Plaintiff did not demonstrate any error in the Commissioner's application of legal standards and that the findings of the ALJ were supported by substantial evidence.

Standard of Review for a Magistrate Judge's Report and Recommendations

The applicable standard of review of a magistrate judge's report and recommendation depends upon whether objections were made to that report. When objections are made to a report and recommendations of a magistrate judge, the district court reviews the case de novo.

FED. R. CIV. P. 72(b) states:

The district judge must determine de novo any part of the magistrate judge's dispositions that has been properly objected to. The district judge may accept, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b) addresses only the review of reports to which objections have been made; it does not indicate that appropriate standard of review for those reports to which no objections have been properly made. The Advisory Committee on Civil Rule commented on a district court's review of unopposed reports by magistrate judges. In regards to subsection (b) of Rule 72, the advisory committee stated: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's notes (citation omitted).

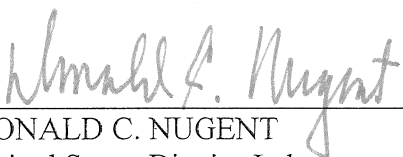
The U.S. Supreme Court stated in *Thomas v. Arn*, 474 U.S. 140, 150 (1985): "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those finding."

Conclusion

This Court has reviewed the Report and Recommendations and after a thorough consideration of the record, this Court adopts the findings set forth therein. Magistrate Judge Parker, through discerning and comprehensive analysis, correctly concluded that the Commissioner applied the correct legal standard and that the Commissioner's decision, denying Plaintiff's application for DIB, was supported by substantial evidence. Accordingly, the Report and Recommendation of Magistrate Judge Parker (ECF #16) is hereby ADOPTED. The Commissioner's final determination denying Plaintiff's application for Disability Insurance Benefits is hereby AFFIRMED.

IT IS SO ORDERED.

DATED: May 24, 2017



DONALD C. NUGENT
United States District Judge