

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| BOBBY CARTER, |) | CASE NO. 1:16-cv-01840-DAP |
| |) | |
| Plaintiff, |) | JUDGE DAN AARON POLSTER |
| |) | |
| vs. |) | <u>OPINION AND ORDER</u> |
| |) | |
| NANCY A. BERRYHILL, |) | |
| Acting Comm’r of Social Security, |) | |
| |) | |
| Defendant. |) | |

Before the Court is the Report and Recommendation of Magistrate Judge David A. Ruiz (“R & R”), Doc #. 15, which recommends that the Court affirm the Commissioner’s final decision. The R & R was filed on May 26, 2017. It is now June 12, and no objections to the R & R have been filed.

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). The failure to timely file written objections to a Magistrate Judge’s R & R

constitutes a waiver of the right to obtain a *de novo* review of the R & R in the district court. *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

Here, the time for objection has passed and no objections have been filed. Nonetheless, the Court has reviewed the Magistrate Judge’s thorough R & R. The Court agrees with the Magistrate Judge that the ALJ sufficiently explained the weight ascribed to the purported opinion of a non-treating source, Dr. Pattimakiel. Additionally, the Court agrees with the Magistrate Judge that the ALJ adequately explained the weight assigned to consultative examiners’ opinions. Consequently, the Court agrees with the Magistrate Judge that the Commissioner’s final decisions should be affirmed.

Accordingly, the Court ADOPTS the R & R, Doc. # 15, in full and DISMISSES the above-captioned case.

IT IS SO ORDERED.

/s/ Dan A. Polster June 12, 2017
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE