UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

                                                :
TYISHA BARBER,   :   CASE NO. 1:16-CV-2436
On behalf of D.A.,   :
                                                :
                Plaintiff,   :
                                                :
        vs.   :   OPINION & ORDER
                                                :   [Resolving Docs. 1, 16]
COMMISSIONER   :
OF SOCIAL SECURITY,   :
                                                :
                Defendant.   :
                                                :

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On October 4, 2016, Plaintiff Tyisha Barber, on behalf of her minor daughter, D.A., sued

to reverse a supplemental security income denial.[1] On July 28, 2017, Magistrate Judge Jonathan

D. Greenberg recommended vacating and remanding the Commissioner's denial of benefits.[2] On

August 9, 2017, the Defendant Commissioner notified the Court that it would not file objections

to the Magistrate Judge's recommendation.[3]

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.[4]

Failure to timely object waives a party's right to appeal the magistrate's report. [5]

Absent objection, a district court may adopt the magistrate judge's report without

review.[6] Moreover, having conducted its own review of the complaint and record, the Court

agrees with the conclusions in the Report and Recommendation.

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[1] Doc. 1. The Commissioner of Social Security answered. Doc. 10.
[2] Doc.16.
[3] Doc. 17.
[4] 28 U.S.C. § 636(b)(1)(C).
[5] Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).
[6] See Thomas, 474 U.S. at 149.

For the foregoing reasons, this Court **ADOPTS** the Magistrate Judge's Recommendation,

and **VACATES** and **REMANDS** the case for further consideration consistent with the

Magistrate Judge's decision.

IT IS SO ORDERED.

Dated: August 10, 2017   s/   James S. Gwin
                                                     JAMES S. GWIN
                                                     UNITED STATES DISTRICT JUDGE