

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

DARIES SHERRILLS,)	CASE NO. 1:17 CV 30
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>OPINION AND ORDER</u>
)	
COMMISSIONER OF SOC. SECURITY,)	
)	
Defendant.)	

This case is before the Court upon the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg who recommends that the Court deny Plaintiff's Motion for Default Judgment (**Doc #: 8**), Motion for Hearing on Default Judgment (**Doc #: 11**) and Motion to Strike Answer (**Doc #: 15**). (**Doc #: 16** ("R & R")). The Court has reviewed the Motions, the R & R, and Plaintiff's Objection (**Doc #: 17**), and agrees with the Magistrate Judge's recommendation.

It is undisputed that the Commissioner timely filed her Answer and Transcript on March 28, 2017, following two extensions of time *granted by Magistrate Judge Greenberg*. (See Doc #: 9 (first motion for extension) and non-document order of 3/14/2017 (granting motion); Doc #: 12 (second motion for extension) and non-document order of 3/28/2017 (granting motion)). Consequently, default judgment is not appropriate in this case.

Accordingly, the Court **DENIES** Plaintiff's pending Motions (**Doc ##: 8, 11 and 15**), **OVERRULES** the Objection (**Doc #: 17**), and **ADOPTS** the thorough and correct analysis of the record and the law articulated by the Magistrate Judge in the R & R (**Doc #: 16**).

IT IS SO ORDERED.

/s/ Dan A. Polster April 18, 2017
Dan Aaron Polster
United States District Judge