

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TONY L. LYONS,)	
)	CASE NO. 1:17CV601
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
NANCY A. BERRYHILL,)	
ACTING COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	<u>MEMORANDUM OF OPINION</u>
Defendant.)	<u>AND ORDER</u>

An Administrative Law Judge (“ALJ”) denied Plaintiff Tony L. Lyon’s application for Supplemental Security Income (“SSI”) after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and the Court referred the case to Magistrate Judge Kathleen B. Burke for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). On February 16, 2018, the magistrate judge submitted a Report ([ECF No. 20](#)) recommending that the Court affirm the Commissioner’s decision as supported by substantial evidence and made pursuant to proper legal standards. Specifically, the magistrate judge found Plaintiff’s argument that the ALJ deprived him of a full and fair hearing is without merit. [ECF No. 20 at PageID#: 1181—83](#). In addition, the magistrate judge found that the ALJ did not err, at step three of the disability analysis, in finding that Plaintiff did not meet or equal Listing 1.05C

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because he did not have stump complications that rendered him unable to wear a prosthesis. [*Id.*](#) [at PageID#: 1184—85](#). Next, the magistrate judge found that the ALJ’s residual functional capacity (“RFC”) assessment was supported by substantial evidence. [*Id.*](#) [at PageID#: 1186—89](#). Lastly, the magistrate judge found that Plaintiff’s argument that the ALJ, at step five of the disability analysis, erred in the RFC assessment and, therefore, in the hypothetical question to Deborah Lee, the Vocational Expert, is also without merit. [*Id.*](#) [at PageID#: 1189](#).

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the magistrate judge’s Report were, therefore, due on March 2, 2018. Neither party has filed objections, evidencing satisfaction with the magistrate judge’s recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court’s limited resources. [*Thomas v. Arn*, 728 F.2d 813 \(6th Cir. 1984\)](#), [*aff’d*, 474 U.S. 140 \(1985\)](#); [*Howard v. Secretary of Health and Human Services*, 932 F.2d 505 \(6th Cir. 1991\)](#); [*United States v. Walters*, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. The decision of the Commissioner of Social Security is affirmed. Judgment will be entered in favor of Defendant.

IT IS SO ORDERED.

March 8, 2018
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge