

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

TONDA K. MCDANIEL,

Plaintiff,

Case No. 3:11 CV 1997

-vs-

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

MEMORANDUM OPINION
AND JUDGMENT

KATZ, J.

Before the Court is the Report and Recommendation of the Magistrate Judge filed November 29, 2012 in the above-entitled action. Defendant Commissioner of Social Security filed a notice indicating no objections would be 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)(C) (2002). In this case, the fourteen-day period has elapsed and no objections have been filed. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984) affirmed, 474 U.S. 140 (1985); see United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's Report and Recommendation, and adopts that Report and Recommendation in its entirety. Plaintiff's motion for summary judgment is granted in part. The decision of the Commissioner is reversed and the case is remanded to the ALJ as stated in the Report & Recommendation.

IT IS SO ORDERED.

S/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE