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

Jeff Woods,	) CASE NO. 4:11 CV 2306
Plaintiff,	)  JUDGE PATRICIA A. GAUGHAN
Vs.	)
Michael J. Astrue,	) <u>Memorandum of Opinion and Order</u>
Commissioner of Social Security,	)
	)
Defendant.	)

## **INTRODUCTION**

This matter is before the Court upon the Report and Recommendation of Magistrate

Judge Kathleen B. Burke (Doc. 16), recommending that the decision of the Commissioner be
affirmed. No objections have been filed. For the reasons that follow, the Report and
Recommendation is ACCEPTED and the decision of the Commissioner is AFFIRMED.

## **STANDARD OF REVIEW**

When objections are made to a Magistrate Judge's Report and Recommendation, the district court reviews the case *de novo*. Federal Rule of Civil Procedure 72(b) provides in pertinent part:

The district judge to whom the case is assigned shall make a de

novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which

specific written objection has been made in accordance with this

rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the

matter to the magistrate judge with instructions.

As stated in the Advisory Committee Notes, "When no timely objection is filed, the court

need only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation." In Thomas v. Arn, 474 U.S. 140, 150 (1985), the Court held, "It does not

appear that Congress intended to require district court review of a magistrate judge's factual or

legal conclusions, under a *de novo* or any other standard, when neither party objects to those

findings."

**DECISION** 

This Court, having reviewed the Report and Recommendation and finding no clear error,

hereby accepts the Magistrate Judge's Report and Recommendation. In accordance with that

recommendation, the Court hereby AFFIRMS the decision of the Commissioner for the reasons

stated by the Magistrate Judge in the Report and Recommendation, which is incorporated herein

by reference.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan

PATRICIA A. GAUGHAN

United States District Judge

Dated: 11/5/12

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