

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

RICK A. STYEN,)	CASE NO. 4:12CV455
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
DEFENDANTS.)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. (Doc. No. 36.) 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).

The R&R was filed on January 14, 2013, and was immediately served electronically. *See* Fed. R. Civ. P. 5(b)(2)(E). Under Fed. R. Civ. P. 6(a)(1) and (d), when computing time for filing objections, January 14th is excluded, every day thereafter is counted, and three additional days are added. Therefore, objections were due on January 31, 2013.

No objections were filed on or before that deadline. 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), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and accepts the same. Accordingly, the Court concludes that the Commissioner's decision denying plaintiff's claim for disability insurance benefits and supplemental security income was supported by substantial evidence and must be **AFFIRMED**.

IT IS SO ORDERED.

Dated: February 4, 2013



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE