

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

GARY M. MONTAGNA,

Plaintiff,

v.

NANCY A. BERRYHILL,<sup>1</sup>  
ACTING COMMISSIONER OF  
SOCIAL SECURITY

Defendant.

) ) CASE NO. 4:16CV1295

) ) JUDGE BENITA Y. PEARSON

) ) **MEMORANDUM OF OPINION**  
) ) **AND ORDER RE: AFFIRMING**  
) ) **COMMISSIONER'S DECISION**

An Administrative Law Judge (“ALJ”) denied Plaintiff Gary M. Montagna’s application for Disability Insurance Benefits 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 this Court referred the case to Magistrate Judge Kenneth S. McHargh for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). On October 3, 2016, the case was reassigned from Magistrate Judge McHargh to Magistrate Judge Jonathan D. Greenberg pursuant to [General Order 2016-22](#). On April 20, 2017, the magistrate judge submitted a Report and Recommendation ([ECF No. 19](#))

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<sup>1</sup> Carolyn W. Colvin was the original Defendant. She was sued in an official capacity as a public officer. On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of Social Security. Pursuant to [Fed. R. Civ. P. 25\(d\)](#), Berryhill’s name has been automatically substituted as a party.

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recommending that the Court affirm the Commissioner's decision.

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. On May 3, 2017, Plaintiff filed a Response to the Report & Recommendation ([ECF No. 20](#)), which states that he will not be filing objections. Furthermore, the Commissioner has not filed any 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.

May 8, 2017  
Date

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