UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO		
DAVID SULLIVAN,	:	
DAVID SULLIVAN,	:	CASE NO. 5:13-CV-701
Plaintiff,	:	
	:	
V.	:	OPINION & ORDER
	:	[Resolving Doc. No. 1]
COMMISSIONER OF SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On April 1, 2013, Plaintiff David Sullivan filed a complaint seeking judicial review of Defendant Commissioner of Social Security's decision to deny him supplemental security income.^{1/} Under Local Rule 72.2, the Court referred the petition to Magistrate Judge Kathleen B. Burke for a Report and Recommendation. On March 24, 2014, Magistrate Judge Burke issued a report recommending this Court reverse and remand the Commissioner's decision.^{2/} The Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **REVERSES AND REMANDS** the Commissioner's decision.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.^{3/}

 $[\]frac{1}{2}$ Doc. <u>1</u>.

 $[\]frac{2}{2}$ Doc. <u>15</u>.

^{3/} <u>28 U.S.C. § 636(b)(1)</u>.

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Parties must file any objections to a Report and Recommendation within fourteen days of service.^{4/} Failure to object within that time waives a party's right to appeal the magistrate judge's recommendation.^{5/} Absent objection, a district court may adopt the magistrate judge's report without review.^{6/}

In this case, neither party objected to the Magistrate Judge's recommendation.^{7/} Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference. The Court **REVERSES AND REMANDS** the Commissioner's decision.

IT IS SO ORDERED.

Dated: April 9, 2014

s/ James S. Gwin

JAMES S. GWIN UNITED STATES DISTRICT JUDGE

⁶/ *Thomas*, 474 U.S. at 149.

 $[\]frac{4}{}$ Fed. R. Civ. P. 72(a).

^{5/} *Id.*; *see* <u>Thomas v. Arn, 474 U.S. 140, 145 (1985)</u>; <u>United States v. Walters, 638 F.2d 947, 949-50 (6th Cir.</u> 1981).

 $[\]frac{7}{2}$ Defendant has filed a response indicating it will not object. Doc. <u>16</u>.