

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Kevin Johnston,

Plaintiff,

v.

Case No. 1:16cv449

Commissioner of Social Security,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on November 9, 2016 (Doc. 12).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (Doc. 12) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 12) of the Magistrate Judge is hereby **ADOPTED**. Defendant's Motion to Dismiss (Doc. 9) is **GRANTED** and this matter is **DISMISSED**.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge