

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

MACHELLE C.,	:	Case No. 1:18-cv-268
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 33)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on October 19, 2021, submitted a Report and Recommendation (Doc. 33). Plaintiff filed on October 21, 2021. (Doc. 34). Plaintiff also filed a Notice, which may be considered a supplement to her objections, on November 9, 2021. (Doc. 35).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all the filings in this matter. Upon consideration of the foregoing and careful review of Plaintiff's objections, the Court finds that the Report and Recommendation (Doc. 33) should be and is hereby adopted in its entirety.

In the Report and Recommendation, the Magistrate Judge recommends denying Plaintiff's motions to reopen case (Docs. 31, 32). The motions were construed as motions to alter or amend the judgment remanding this case to the Commissioner in accordance with the fourth sentence of 42 U.S.C. § 405(g). (Doc. 24). This is the second time Plaintiff has sought to amend the judgment. (*See* Doc. 25).

Construing the objections liberally, Plaintiff argues that: (1) the Court should not have remanded her case because of Plaintiff's failure to timely respond to the Commissioner's motion for remand (Doc. 19) or the Magistrate Judge's Report and Recommendation (Doc. 21) recommending remand should have been be excused because she is proceeding *pro se*; and (2) the Court should consider her case because she is eligible for Social Security Disability Insurance. (Docs. 34, 35). The Court has already considered these same arguments when adopting the Magistrate Judge's Report and Recommendation over Plaintiff's objections. (*See* Docs. 27, 28, 29).¹ Thus, Plaintiff's objections are not well-taken and overruled.

Accordingly, for the reasons stated above:

1. The Report and Recommendation (Doc. 33) is hereby **ADOPTED**;
2. Plaintiff's objections (Doc. 34, 35) are **OVERRULED**;
3. Plaintiff's motions to reopen case (Docs. 31, 32) are **DENIED**; and,
4. The Court certifies that pursuant to 28 U.S.C. § 1915(a), an appeal of this Order would not be taken in good faith and therefore Plaintiff is denied

¹ Even with Plaintiff's *pro se* status, the objections reiterate arguments previously presented (*see* Docs. 25, 26, 28, 31, 32), thus are "not sufficient to alert the court to the alleged errors on the part of the magistrate judge." *Aldrich v. Bock*, 327 F. Supp. 2d 743, 747 (E.D. Mich. 2004); *see also Howard v. Sec'y of Health & Hum. Servs.*, 932 F.2d 505, 509 (6th Cir. 1991).

leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed in forma pauperis in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

Date: 9/14/2022

s/Timothy S. Black
Timothy S. Black
United States District Judge