

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Barbara J. Dudley,

Plaintiff,

v.

Case No. 2:16-cv-682

Commissioner of  
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the June 1, 2017, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge concluded that the administrative law judge erred by not assigning any restrictions at all to plaintiff's diagnosed mental conditions which, based on record evidence, are severe. Doc. 24, p. 10. The magistrate judge recommended that this case be remanded to the Commissioner pursuant to 42 U.S.C. §405(g), sentence four, for further evaluation of plaintiff's diagnosed mental impairments.

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days of the report "will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 24, p. 11. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court adopts the report and recommendation of the magistrate judge (Doc. 24). The decision of the Commissioner is reversed, and this case is remanded to the Commissioner under §405, sentence four, for further administrative proceedings consisting of an additional evaluation of plaintiff's diagnosed mental impairments, as discussed in the report and recommendation. The clerk shall enter judgment remanding this case to the Commissioner.

Date: June 20, 2017

s/James L. Graham  
James L. Graham  
United States District Judge