

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

Gerald D. Stevens,
Plaintiff,

v.

Case No. 2:17-cv-379

Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the January 11, 2018, 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 recommended that the plaintiff's first assignment of error be dismissed as unexhausted, and that plaintiff's second assignment of error be denied.

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 that it "also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 18, pp. 9-10. 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. 18). Plaintiff's first assignment of error is dismissed as unexhausted. Plaintiff's second assignment of

error is denied. The decision of the Commissioner is affirmed.
The clerk shall enter judgment in favor of the Commissioner.

Date: January 26, 2018

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