

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANITA BROWN,	:	Case No. 3:14-cv-451
Plaintiff,	:	Judge Thomas M. Rose Chief Magistrate Judge Sharon L. Ovington
v.	:	
CAROLYN W. COLVIN, Commissioner of the Social Security Administration,	:	
Defendant.	:	

**ENTRY AND ORDER ADOPTING REPORT AND
RECOMMENDATIONS (DOC. 20) ON DEFENDANT’S UNOPPOSED
MOTION FOR INDICATIVE RULING ON A MOTION FOR RELIEF
THAT IS BARRED BY A PENDING APPEAL (DOC. 19)**

This is an action under 42 U.S.C. § 405(g) for review of the decision of the Commissioner of the Social Security Administration (“Commissioner”) denying Plaintiff Anita Brown’s application for Disability Insurance Benefits and Supplemental Security Income. On March 2, 2016, the Court adopted the Chief Magistrate Judge’s Report and Recommendations and entered an Order affirming the Commissioner’s non-disability decision. (Doc. 15.) On April 14, 2016, Plaintiff filed a Notice of Appeal of the Clerk’s Final Judgment. (Doc. 17.)

This case is now before the Court on Defendant’s Unopposed Rule 62.1(a)(3) Motion for Indicative Ruling on a Motion for Relief that is Barred by a Pending Appeal (“Motion for Indicative Ruling”) (Doc. 19). On June 21, 2016, the Chief Magistrate Judge entered a Report and Recommendations (Doc. 20), which recommended that the Court grant the Motion for Indicative Ruling and issue an Order indicating “that it is inclined to grant relief from its March 2, 2016 judgment entry should the court of appeals remand for that purpose.” (Doc. 20 at 3.) Since

Plaintiff did not oppose the Motion for Indicative Ruling, there is no need for the Court to await the deadline for objections to the Report and Recommendations. (Doc. 19-1 at ¶ 8.)

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court agrees with the analysis in the Report and Recommendations (Doc. 20) and hereby **ADOPTS** the Report and Recommendations in their entirety. Accordingly, the Court **ORDERS** as follows:

1. Defendant's Unopposed Rule 62.1(a)(3) Motion For Indicative Ruling On A Motion For Relief That Is Barred By A Pending Appeal (Doc. 19) is **GRANTED**; and
2. The Court is inclined to grant a motion for relief, as described in the Commissioner's Memorandum in Support of the Motion for Indicative Ruling (Doc. 19-1, ¶ 4), from its March 2, 2016 judgment entry should the United States Court of Appeals for the Sixth Circuit remand for that purpose.

DONE and **ORDERED** in Dayton, Ohio, this Friday, June 24, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE