

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SCOTTY D. FULTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MICHAEL J. ASTRUE, )  
 COMMISSIONER OF THE SOCIAL )  
 SECURITY ADMINISTRATION, )  
 )  
 Defendant. )

No. CIV-10-1389-HE

**ORDER**


Plaintiff Scotty Fulton filed this case seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying his application for disability insurance benefits and supplemental security income benefits. Pursuant to 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Valerie K. Couch. Judge Couch recommended the Commissioner’s decision be reversed and remanded. Report and Recommendation [Doc. #16]. Objections to Judge Couch’s Report and Recommendation were due by November 18, 2011.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). The court therefore **ADOPTS** Magistrate Judge Couch’s Report and

Recommendation [Doc. #16], and the Commissioner's decision is **REVERSED** and the case **REMANDED** for further proceedings consistent with this decision.

**IT IS SO ORDERED.**

Dated this 15<sup>th</sup> day of December, 2011.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE