

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

SHANE C. BENSON,	)	
	)	
Plaintiff,	)	
v.	)	NO. CIV-12-0813-HE
	)	
CAROLYN W. COLVIN, Acting	)	
Commissioner of Social Security	)	
Administration,	)	
	)	
Defendant.	)	


**ORDER**

Plaintiff Shane Benson filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Gary M. Purcell, who recommends that the decision of the Commissioner be affirmed. Objections to the magistrate judge’s Report and Recommendation were due by June 17, 2013.

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)). Accordingly, the court **ADOPTS** Magistrate Judge Purcell’s Report and Recommendation [Doc. #21], and **AFFIRMS** the Commissioner’s decision.

**IT IS SO ORDERED.**

Dated this 27th day of June, 2013.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE