

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

SHEVAWN S. MILBURN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIV-12-886-D
	)	
CAROLYN W. COLVIN, Acting	)	
Commissioner of the Social Security	)	
Administration, <sup>1</sup>	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the decision of the Commissioner of the Social Security Administration denying Plaintiff's application for disability and supplemental security income benefits. The matter was referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings in accordance with 28 U.S.C. §636 (b)(3). The parties fully briefed their respective positions and, on September 26, 2013, the Magistrate Judge filed a Report and Recommendation [Doc. No. 17] in which she recommended that the Commissioner's decision be reversed and that the matter be remanded for further proceedings.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the same; she scheduled an October 16, 2013 deadline for filing such objections. The Magistrate Judge also expressly cautioned the parties that a failure to object to the Report and Recommendation would constitute a waiver of the right to appeal the findings and conclusions contained therein. The deadline for filing objections has expired, and neither party has filed

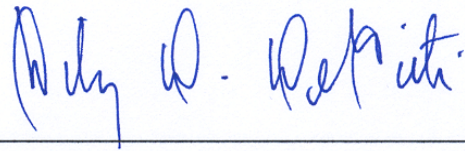
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<sup>1</sup>Effective February 14, 2013, Carolyn W. Colvin was named Acting Commissioner of the Social Security Administration. Pursuant to Fed. R. Civ. P. 25(d)(1), she is substituted for former Commissioner Michael J. Astrue as the defendant in this action.

objections or sought an extension of time in which to do so.

Accordingly, the Report and Recommendation [Doc. No. 17] is adopted as though fully set forth herein. For the reasons set forth in the Report and Recommendation, the decision of the Commissioner denying Plaintiff's application is REVERSED and this matter is REMANDED for further proceedings.

IT IS SO ORDERED this 23<sup>rd</sup> day of October, 2013.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE