

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

BRIAN ROTH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-16-2-D
	)	
CAROLYN W. COLVIN, Acting	)	
Commissioner of the Social	)	
Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

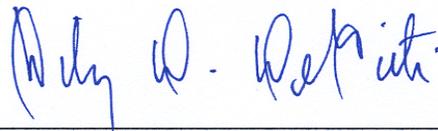
Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) for review of the Commissioner of the Social Security Administration's final decision denying his application for disability insurance benefits and supplemental security income under the Social Security Act. The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings in accordance with 28 U.S.C. § 636(b)(1)(B). The parties fully briefed their respective positions and, on January 11, 2017, Judge Erwin filed his Report and Recommendation [Doc. No. 25] in which he recommended that the Commissioner's decision be affirmed.

In his Report and Recommendation, Judge Erwin advised the parties of the right to file objections to the same and directed the parties to file any objections no later than January 25, 2017. Judge Erwin further admonished the parties that failure to timely object would constitute a waiver of the right to appellate review of

the factual and legal issues addressed in the Report and Recommendation. The deadline for filing objections has expired and to date, neither party has filed objections or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 25] is **ADOPTED** as though fully set forth herein.

**IT IS THEREFORE ORDERED** that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits and supplemental security income is **AFFIRMED**. A judgment shall be entered forthwith.

**IT IS SO ORDERED** this 27<sup>th</sup> day of January, 2017.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE