

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

MARK ANTHONY FARRIS,)	
)	
Plaintiff,)	
v.)	NO. CIV-16-0359-HE
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Mark Farris appeals from the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits and supplemental security income benefits. The matter was referred to U.S. Magistrate Judge Bernard M. Jones for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). Judge Jones has submitted a Report and Recommendation (the “Report”) recommending that the Commissioner’s decision be reversed and the case remanded for further administrative proceedings. The Report concludes the Commissioner’s decision did not sufficiently account for an apparent conflict between the minimum requirements of the jobs identified by the agency’s vocational expert and the administrative law judge’s finding that plaintiff must perform simple and routine work. Objections to the Report were due by May 11, 2017. No objection has been filed.

Having declined to object to the Report and Recommendation, the parties have waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *see* 28

U.S.C. § 636(b)(1)(C). Accordingly, the court **ADOPTS** the Report [Doc. #23], **REVERSES** the decision of the Commissioner and **REMANDS** the case for further administrative proceedings consistent with the Report, a copy of which is attached to this order.

IT IS SO ORDERED.

Dated this 25th day of May, 2017.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE