UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

TAKIMA HAWKINS, Plaintiff,	:	
v.	:	No. 2:17-cv-05748
NANCY A. BERRYHILL, Defendant.	:	

O R D E R

AND NOW, this 30th day of October, 2018, upon consideration[1] of Plaintiff's Complaint, ECF No. 3, the Administrative Record, ECF No. 7, Defendant's Answer, ECF No. 8, Plaintiff's Brief and Statement of Issues in Support of Request for Review, ECF No. 11, Defendant's Response to Request for Review, ECF No. 12, and the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, ECF No. 14, **it is ORDERED that**:

1. The Report and Recommendation, ECF No. 14, is **APPROVED and ADOPTED**.

2. Plaintiff's request for review, ECF No. 11, is **GRANTED**, and the decision of the Commissioner of Social Security is **REVERSED** to the extent that the matter is **REMANDED**

[1] When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under *de novo* or any other standard. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). "When no objections are filed, the district court need only review the record for plain error or manifest injustice." *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991). *See also Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at *16-17 (3d Cir. 2016) (holding that even when objections are filed, district courts "are not required to make any separate findings or conclusions when reviewing a Magistrate Judge's recommendation *de novo* under 28 U.S.C. § 636(b)"); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge's report and recommendation for clear error). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Magistrate's Report and Recommendation.

3. Judgment is entered in favor of Plaintiff, **REVERSING** the decision of the Commissioner for the purpose of this remand only.

4. This case is **CLOSED.**

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge