

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

| | | |
|-------------------------------------|---|-------------------------------|
| TONYA R. SCEALF, |) | |
| |) | Case No. 1:16-CV-391 |
| <i>Plaintiff,</i> |) | |
| |) | Judge Travis R. McDonough |
| v. |) | |
| |) | Magistrate Judge Susan K. Lee |
| COMMISSIONER OF SOCIAL SECURITY, |) | |
| |) | |
| <i>Defendant.</i> |) | |

ORDER

On December 11, 2017, United States Magistrate Judge Susan K. Lee filed a report and recommendation (Doc. 19) pursuant to Title 28, Section 636(b)(1) of the United States Code and Rule 72(b) of the Federal Rules of Civil Procedure. Magistrate Judge Lee recommended that: (1) Plaintiff’s motion for judgment on the pleadings (Doc. 15) be denied; (2) the Commissioner’s motion for summary judgment (Doc. 17) be granted; and (3) the Commissioner’s decision denying benefits be affirmed. (*See* Doc. 19, at 15.)

Plaintiff has not filed objections to Magistrate Judge Lee’s report and recommendation.¹ Nevertheless, the Court has conducted a review of the report and recommendation, as well as the record, and agrees with Magistrate Judge Lee’s well-reasoned conclusions. Accordingly:

¹ Magistrate Judge Lee specifically advised Plaintiff that she had 14 days in which to object to the report and recommendation and that failure to do so would waive her right to appeal. (Doc. 19, at 15); *see also* Fed. R. Civ. P. 72(b)(2); *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file any objections has now expired.

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee’s findings of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure;
- Plaintiff’s motion for judgment on the pleadings (Doc. 15) is **DENIED**;
- Defendant’s motion for summary judgment (Doc. 17) is **GRANTED**; and
- The decision of the Commissioner is **AFFIRMED**.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**