

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at KNOXVILLE

PATRICK RAY BATES,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Case No. 3:13-cv-507
v.	)	
	)	Judge Mattice
COMMISSIONER OF SOCIAL SECURITY,	)	Magistrate Judge Shirley
	)	
<i>Defendant.</i>	)	
	)	

**ORDER**

On May 5, 2014, United States Magistrate Judge C. Clifford Shirley, Jr. filed a Report and Recommendation (Doc. 15) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Shirley recommended that (1) Plaintiff’s Motion for Summary Judgment be granted in part and denied in part; (2) the Commissioner’s Motion for Summary Judgment be granted in part and denied in part; and (3) this action be remanded to the Administrative Law Judge to:

reevaluate the Plaintiff’s credibility by explaining: (1) whether the Plaintiff needs to elevate his legs or alternate between sitting and standing during an eight- hour workday and the reasons for such findings; (2) whether or not this presents a limitation on the Plaintiff’s ability to perform sedentary work; and (3) vocational testimony regarding the implications as to the occupational base.

(*Id.* at 18).

Defendant has filed timely objections to the Magistrate Judge’s Report and Recommendation. (Doc. 16). However, Defendant’s objections are merely reiterations of the original arguments raised in her Motion for Summary Judgment. (*Compare* Doc. 14 at 4-9, 10-13 *with* Doc. 16 at 1-3). Further analysis of these same issues would be cumulative and is unwarranted in light of Magistrate Judge Shirley’s well-reasoned and

well-supported Report and Recommendation, in which he fully addressed Defendant's arguments. Nonetheless, the Court has conducted a review of the record, specifically including those portions to which Defendant has objected, and the Court agrees with Magistrate Judge Shirley's analysis and conclusions.

Accordingly, the Court **ACCEPTS and ADOPTS** Magistrate Judge Shirley's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b); Defendant's Objections (Doc. 16) are **OVERRULED**; Plaintiff's Motion for Summary Judgment (Doc. 11) is hereby **GRANTED IN PART** and **DENIED IN PART**; Defendant's Motion for Summary Judgment (Doc. 13) is hereby **GRANTED IN PART** and **DENIED IN PART**; and this action is hereby **REMANDED** to the Administrative Law Judge for the limited purpose of reevaluating Plaintiff's credibility and acquiring vocational expert testimony consistent with Judge Shirley's Report and Recommendation.

**SO ORDERED** this 2nd day of July, 2014.

/s/ Harry S. Mattice, Jr.  
HARRYS. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE