UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

MICHAEL WEAVER,	)	
	)	
Plaintiff,	)	
	)	Case No. 3:13-cv-713
v.	)	
	)	Judge Mattice
COMMISSIONER OF SOCIAL SECURITY,	)	Magistrate Judge Guyton
	)	
Defendant.	)	
	)	

ORDER

On December 4, 2014, United States Magistrate Judge Bruce Guyton filed a Report and Recommendation (Doc. 20) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Guyton 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 reconsider step five of the disability analysis.

Neither party has filed objections to the Magistrate Judge's Report and Recommendation.[1] Nevertheless, the Court has reviewed the record in this matter, and it agrees with the Magistrate Judge's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Guyton's findings of fact and conclusions of law. Plaintiff's Motion for Summary Judgment (Doc. 16) is hereby **GRANTED IN PART** and **DENIED IN PART**; the Commissioner's Motion for Summary Judgment (Doc. 18) is hereby **GRANTED IN PART** and

[1] Magistrate Judge Guyton specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 20 at 27); *see* Fed. R. Civ. P. 72(b)(2); *see also 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").

DENIED IN PART; and this action is **REMANDED** to the Administrative Law Judge to reconsider step five of the disability analysis, namely whether work exists in the national economy that accommodates Plaintiff's residual functional capacity and vocational factors.

SO ORDERED this 5th day of January, 2015.

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