

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

KATHLENE MARCHELE SMITH, )  
)  
*Plaintiff,* )  
)  
v. )  
)  
CAROLYN W. COLVIN, )  
Acting Commissioner of Social Security, )  
)  
*Defendant.* )

Case No. 3:14-CV-363-PLR-HBG


**MEMORANDUM OPINION**

Before the Court is the Report and Recommendation filed by the Honorable H. Bruce Guyton, United States Magistrate Judge. [R. 24]. There have been no timely objections to the Report and Recommendation, and enough time has passed since its filing to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of the record and the parties’ pleadings, the Court is in complete agreement with the Magistrate Judge’s recommendation that Plaintiff’s Motion for Judgment Based upon the Administrative Record [R. 16] be **GRANTED IN PART**, and the Commissioner’s Motion for Summary Judgment [R. 21] be **DENIED**.

Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the Court adopts and incorporates into its ruling, that the Plaintiff’s Motion for Judgment Based upon the Administrative Record [R. 16] is **GRANTED IN PART**, and the Commissioner’s Motion for Summary Judgment [R. 21] is **DENIED**.

**IT IS SO ORDERED.**

  
**UNITED STATES DISTRICT JUDGE**