

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|---|---|--------------------------|
| KANDY JOHNSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No.: 3:14-CV-436-TAV-CCS |
| |) | |
| CAROLYN W. COLVIN, |) | |
| Acting Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

ORDER

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge C. Clifford Shirley, Jr. on December 8, 2015 [Doc. 16]. There have been no timely objections to the Report and Recommendation and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the Report and Recommendation, the magistrate judge recommends that plaintiff's motion for judgment on the pleadings [Doc. 11] be granted and that the Commissioner's motion for summary judgment [Doc. 14] be denied. He further recommends that, upon remand, the ALJ (1) reevaluate plaintiff's claim of fibromyalgia consistent with SSR 12-2p, (2) review and address Dr. Lockwood's medical records, and (3) consider acquiring additional medical evidence and/or opinions from Dr. Lockwood or others, if and as needed, to evaluate the functional limitations, if any, caused by plaintiff's fibromyalgia.

The Court has carefully reviewed this matter, including the underlying motions and the complaint, and the Court is in agreement with the magistrate judge's recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 16], and it is **ORDERED** that the Commissioner's Motion for Summary Judgment [Doc. 14] is **DENIED** and plaintiff's Motion for Judgment on the Pleadings [Doc. 11] is **GRANTED**. This case is hereby **REMANDED** for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE