UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at WINCHESTER

DAWN LUGENE MCCOLLUM,)
Plaintiff,))
v.)
COMMISSIONER OF SOCIAL SECURITY,)
Defendant.)

Case No. 4:14-cv-66

Judge Mattice Magistrate Judge Steger

<u>ORDER</u>

On February 25, 2016, United States Magistrate Christopher H. Steger filed his Report and Recommendation (Doc. 15) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Steger recommended that (1) Plaintiff's Motion for Summary Judgment (Doc. 10) be denied; (2) Defendant's Motion for Summary Judgment (Doc. 11) be granted; (3) the Decision of the Commissioner be affirmed; and (4) this action be dismissed.¹

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.² Nevertheless, the Court has conducted a reviewed the Report and

¹ Although he did not specifically make a recommendation regarding Plaintiff's Motion to Amend her Motion for Summary Judgment in order to correct a typographical error regarding her age and date of birth, Magistrate Judge Steger incorporated the correct birthdate and age into his recitation of the facts. (*See* Doc. 13; Doc. 15 at 3). Thus, the Court will assume that Magistrate Judge Steger intended to recommend that Plaintiff's Motion to Amend be granted.

² Magistrate Judge Steger 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. 15 at 23 n.5); 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"). 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.

Recommendation, as well as the record, and it agrees with Magistrate Judge Steger's well-reasoned conclusions.

Accordingly:

- The Court ACCEPTS and ADOPTS Magistrate Judge Steger's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Motion to Amend (Doc. 13) is **GRANTED**;
- Plaintiff's Motion for Summary Judgment (Doc. 10) is **DENIED**;
- Defendant's Motion for Summary Judgment (Doc. 11) is **GRANTED**;
- The decision of the Commissioner is **AFFIRMED**;
- This case is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED this 17th day of March, 2016.

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