

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JEFFREY ANDERSON,

Plaintiff,

Case No. 3:16-cv-02635
Hon. Denise Page Hood

v.

PUNJAB INC. and KWIK SAK
REAL ESTATE HOLDINGS, LLC,

Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION
AND DISMISSING ACTION WITHOUT PREJUDICE

This matter comes before the Court on Magistrate Judge Joe B. Brown's Report and Recommendation. [#30] Plaintiff Jeffrey Anderson, currently proceeding in pro per following the withdrawal of his counsel and Plaintiff's failure to obtain new counsel, filed this action on October 7, 2016, alleging that Defendants violated his rights under the Americans with Disabilities Act. The Magistrate Judge recommends that the Court dismiss Plaintiff's cause of action, without prejudice, for failure to prosecute and obey Court orders. Neither party filed an objection to the Report and Recommendation.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching

his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge (“ALJ”) must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court’s review of an ALJ’s decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if it is supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge’s Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party’s failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

IT IS ORDERED that the Report and Recommendation [Docket No. 30, filed March 28, 2017] is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

DATED: April 18, 2017

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge
Sitting by Special Designation