

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SUSAN AMY GALLAGHER,)	Case No.: 5:16 CV 1831
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant)	<u>ORDER</u>

On July 20, 2016, Plaintiff Susan Amy Gallagher (“Plaintiff” or “Gallagher”), represented by counsel, filed the above-captioned case, seeking judicial review of Defendant Commissioner of Social Security’s (“Defendant” or “Commissioner”) final determination denying Plaintiff’s application for social security disability benefits and supplementary security income for lack of disability. (Compl., ECF No.1, at 1.) On that same day, Petitioner also filed a Motion to Proceed in Forma Pauperis (ECF No. 3). Also on July 20, 2016, the court referred the matter to Magistrate Judge James R. Knepp, II (“Judge Knepp”), pursuant to Local Rule 72.2.

On August 4, 2016, Judge Knepp granted Plaintiff’s Motion to Proceed in Forma Pauperis. (ECF No. 5.) On October 27, 2016, the court reassigned the matter to Magistrate Judge David A. Ruiz (“Judge Ruiz”).

On November 27, 2016, Plaintiff filed a Brief on the Merits (ECF No. 14.) On January 9,

2017, Defendant filed a Brief on the Merits (ECF No. 15). On January 23, 2017, Plaintiff filed a Reply Brief (ECF No. 17.)

On June 12, 2017, Judge Ruiz issued his Report and Recommendation (“R. & R.”), recommending that the Commissioner’s final determination be affirmed. (ECF No. 17.) Judge Ruiz ordered that any objections to the R. & R. must be submitted by June 26, 2017. (*Id.*) On June 26, 2017, Plaintiff filed a Response to the Report and Recommendation (ECF No. 18), representing that she would not file any objections to the R. & R.

By failing to file objections, Plaintiff has waived the right to appeal the Magistrate Judge’s recommendation. *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). After careful review of Judge Ruiz’s R. & R., and all other relevant documents in the record, the court finds no clear error. *See* Fed. R. Civ. P. 72(b) advisory committee’s note; *Arn*, 474 U.S. at 150 (“It does not appear that Congress intended to require the district court review of a magistrate[] [judge’s] factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).

Thus, the court adopts as its own Judge Ruiz’s R. & R. (ECF No. 17.) In the alternative, the court finds that, even upon *de novo* review, Magistrate Judge Ruiz’s findings are well taken, and adopts as its own his R. & R. for the reasons stated in the R. & R. The court hereby affirms the Commissioner’s final decision.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

June 27, 2017