UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at GREENEVILLE

HOMER ANTHONY PETTY,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:12-cv-324
v.	)	
	)	Judge Mattice
MICHAEL J. ASTRUE,	)	Magistrate Judge Lee
COMMISSIONER OF SOCIAL SECURITY,	)	
	)	
Defendant.	)	
	)	

ORDER

On June 11, 2013, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 20) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that (1) Plaintiff's Motion for Summary Judgment (Doc. 15) be denied in part to the extent that the Plaintiff seeks an award of benefits and granted in part to the extent that Plaintiff seeks remand to the Commissioner; (2) Defendant's Motion for Summary Judgment (Doc. 17) be denied; and (3) the Decision of the Commissioner be reversed and remanded.

Neither party has filed objections to the Magistrate Judge's Report and Recommendation.[1] Nevertheless, the Court has reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Lee's well-reasoned conclusions.

[1] Magistrate Judge Lee specifically advised the parties that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any rights to appeal. (Doc. 20 at 21 n.8); *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 the parties could timely file objections has now expired.

Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);

- Plaintiff's Motion for Summary Judgment (Doc. 15) is **DENIED IN PART** and **GRANTED IN PART**;

- Defendant's Motion for Summary Judgment (Doc. 17) is **DENIED**;

- The decision of the Commissioner is **REVERSED** and **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for action consistent with this Order and the adopted Report and Recommendation.

SO ORDERED this 10th day of July, 2013.

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