IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MANDY L. EDMONDS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**CIVIL NO. 11-1134-GPM**
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Clifford J. Proud (Doc. 27), recommending that Defendant's final decision regarding Plaintiff's disability insurance benefits and supplemental security income be reversed and the action be remanded for further proceedings. In the Report and Recommendation, Magistrate Judge Proud found that the Administrative Law Judge ("ALJ") erred in his consideration of the opinions of the state agency consultant, Dr. Tin. Moreover, Magistrate Proud found the ALJ erred in his consideration of Dr. Grater's opinion, who was a treating doctor. Lastly, Judge Proud noted the ALJ indulged in his own medical conclusions to discount evidence that supported Dr. Grater's opinion.

It is important to note that Magistrate Proud did not make any suggestion as to whether Plaintiff is disabled or what the ALJ's decision should be on reconsideration. Rather, it is because of legal errors that a remand for rehearing and reconsideration of the evidence is recommended.

Magistrate Judge Proud recommends Defendant's decision be reversed and remanded under sentence four of 42 U.S.C. § 405(g).

The Report and Recommendation was entered on October 4, 2012. No objections have been filed.

Where timely objections are filed, this Court must undertake a *de novo* review of the Report and Recommendation. 28 U.S.C. § 636(b)(1)(B), (C); FED.R.CIV.P. 72(b); SDIL-LR 73.1(b); *Kanter v. Commissioner of Internal Revenue*, 590 F.3d 410, 416 (7th Cir. 2009); *Goffman v. Gross*, 59 F.3d 668, 671 (7th Cir. 1995). The Court "may accept, reject or modify the magistrate judge's recommended decision." *Harper v. City of Chicago Heights*, 824 F.Supp.786, 788 (N.D. Ill. 1993). In making this determination, the Court must look at all of the evidence contained in the record and "give 'fresh consideration to those issues to which specific objections have been made.'" *Id.*, *quoting* 12 Charles Alan Wright et al., *Federal Practice and Procedure* § 3076.8, at p. 55 (1st ed. 1973) (1992 Pocket Part).

However, where neither timely nor specific objections to the Report and Recommendation are made, pursuant to 28 U.S.C. § 636(b), this Court need not conduct a *de novo* review of the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985). Accordingly, the Court **ADOPTS** Magistrate Judge Proud's Report and Recommendation (Doc. 27).[1] Defendant's final decision regarding Plaintiff's disability insurance and supplemental security income is **REVERSED** and **REMANDED** for rehearing and reconsideration of the evidence under sentence four of 42 U.S.C. § 405(g). Pursuant to sentence four of § 405(g) and Federal Rule of Civil Procedure 58, the Clerk of Court is **DIRECTED** to enter judgment of reversal and remand.

[1]While a *de novo* review is not required, the Court fully agrees with the findings, analysis, and conclusions of Magistrate Judge Proud.

IT IS SO ORDERED.

DATED: January 26, 2013

/s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge