

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

**JOANNA MARIE SMITH,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

**No. 12-cv-219-DRH-CJP**

**ORDER**

**HERNDON, Chief Judge:**

On March 9, 2012, plaintiff Joanna Marie Smith filed this action against the commissioner of social security (Doc. 3). Specifically, plaintiff seeks judicial review of the final agency decision denying her Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI) pursuant to 42 U.S.C. § 423. On January 7, 2013, pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge Clifford Proud submitted a Report and Recommendation (R&R) (Doc. 19), recommending that the Court reverse the commissioner's final decision and remand the matter to the commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The R&R was sent to the parties with a notice informing them of their right to appeal through the filing of "objections" on or before January 25, 2013. To

date, none of the parties have filed objections, and the period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Thus, the Court **ADOPTS** the R&R (Doc. 19) in its entirety. Pursuant to sentence four of 42 U.S.C. § 405(g), the commissioner's final decision is hereby **REVERSED** and **REMANDED** to the commissioner for rehearing and reconsideration of the evidence, consistent with the issues addressed in the R&R.

**IT IS SO ORDERED.**

Signed this 11<sup>th</sup> day of February, 2013.

*David R. Herndon*



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David R. Herndon  
Date: 2013.02.11  
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**Chief Judge  
United States District Court**