

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

ROGER M. SMITH,

Plaintiff,

v.

CIVIL CASE NO. 1:13-15029

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation ("PF&R") to the court on August 29, 2014, in which he recommended that the district court affirm the final decision of the Commissioner, deny plaintiff's motion for judgment on the pleadings, grant defendant's motion for judgment on the pleadings, and dismiss this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's PF&R. The failure of any party to file such

objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's PF&R within the seventeen-day period. Having reviewed the PF&R filed by Magistrate Judge VanDervort, the court adopts the findings and recommendation contained therein.

Accordingly, the court adopts the factual and legal analysis contained within the PF&R, **GRANTS**¹ defendant's brief in support of defendant's decision, (Doc. No. 9), **DENIES** plaintiff's memorandum in support of complaint, (Doc. No. 8), **AFFIRMS** the final decision of the Commissioner, and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

It is **SO ORDERED** this 16th day of September, 2014.

ENTER:



David A. Faber
Senior United States District Judge

¹ The parties actually filed briefs in support of their respective positions and not motions for judgment on the pleadings.