

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

DREAMA F. MILLER,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-19083

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Eifert submitted her Proposed Findings and Recommendation ("PF&R") to the court on July 29, 2014, in which she recommended that the district court grant plaintiff's motion for summary judgment (Doc. No. 13), grant defendant's motion to remand (Doc. No. 17), reverse the decision of the Commissioner, remand this action for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), and remove this action 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 Eifert'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 Eifert, the court adopts the findings and recommendation contained therein.

Accordingly, the court adopts the factual and legal analysis contained within the PF&R, GRANTS plaintiff's motion for summary judgment (Doc. No. 13) to the extent that she requested the court remand the matter to the Commissioner, GRANTS defendant's motion to remand (Doc. No. 17), REVERSES the decision of the Commissioner, REMANDS this action for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), and DIRECTS the Clerk to remove this case 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 20th day of August, 2014.

ENTER:



David A. Faber
Senior United States District Judge