

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

JOSEPH NATHAN WILLS,

Plaintiff,

v.

CIVIL ACTION NO. 1:15-13475

NANCY A. BERRYHILL,¹

Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation ("PF&R") on January 6, 2017, in which he recommended that the court deny plaintiff's motion for judgment on the pleadings, grant defendant's motion for judgment on the pleadings, affirm the final decision of the Commissioner, 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 and three mailing days in which to file any objections to Magistrate Judge Aboulhosn's Proposed Findings and Recommendation. The court granted

¹ Nancy A. Berryhill became the Acting Commissioner of the Social Security Administration on January 27, 2017. Pursuant to Fed. R. Civ. P. 25(d), Berryhill was substituted for Carolyn W. Colvin as the defendant in this action.

plaintiff's motion seeking an additional 14 days in which to respond to the PF&R. (ECF No. 21). The failure of any party to file such objections within the time allowed 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).

Neither party filed any objections to the Magistrate Judge's Findings and Recommendations within the required time period. Accordingly, the court adopts the Findings and Recommendations of Magistrate Judge Aboulhosn as follows:

1. Plaintiff's motion for summary judgment is **DENIED**;²
2. Defendant's brief in support of the Commissioner's decision is **GRANTED**;
3. The final decision of the Commissioner is **AFFIRMED**; and
4. The case is **DISMISSED** from the court's docket.

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

IT IS SO ORDERED this 17th of February, 2017.

ENTER:



David A. Faber
Senior United States District Judge

² Plaintiff actually filed a motion for summary judgment while defendant filed a brief in support of the Commissioner's decision.