

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARK A. SMITH

PLAINTIFF

v.

CAUSE NO. 1:15cv216-LG-RHW

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause comes before the Court on the [22] Report and Recommendation of United States Magistrate Judge Robert H. Walker entered on February 6, 2017. On July 6, 2015, Plaintiff Mark A. Smith, through counsel, filed a Complaint against the Commissioner of Social Security seeking judicial review of the decision of the Commissioner of Social Security. After the parties had briefed the issues, Magistrate Judge Walker found “upon consideration of the entire record of proceedings below and controlling law, that the Commissioner’s final decision is supported by substantial evidence and in accord with relevant legal standards.” (Rep. & Rec. 15, ECF No. 22). Smith has not objected to any aspect of the Magistrate Judge’s Report and Recommendation, and the time for doing so has now expired.

Where no party has objected to the Magistrate Judge’s Report and Recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). In such cases, the Court need only review the Report and

Recommendation and determine whether it is either clearly erroneous or contrary to law. *See, e.g., United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court is of the opinion that Magistrate Judge Walker's Report and Recommendation is neither clearly erroneous nor contrary to law. Accordingly, the Court finds that the [22] Report and Recommendation should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the [22] Report and Recommendation of United States Magistrate Judge Robert H. Walker, should be, and hereby is, adopted as the opinion of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the [1] Complaint filed by Plaintiff Mark A. Smith is **DISMISSED WITH PREJUDICE**. A separate judgment will be entered.

SO ORDERED AND ADJUDGED this the 8th day of March, 2017.

sl Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE