

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:16-CV-244-D

CLARENCE B. PENN, JR., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 NANCY A. BERRYHILL, )  
 Acting Commissioner of Social Security, )  
 )  
 Defendant. )

**ORDER**

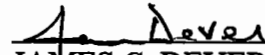
On July 21, 2017, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 22] and recommended that plaintiff’s motion for judgment on the pleadings [D.E. 15] be granted, that defendant’s motion for judgment on the pleadings [D.E. 19] be denied, and that the action be remanded to the Commissioner. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 22]. Plaintiff’s motion for judgment on the pleadings [D.E. 15] is GRANTED, defendant’s

motion for judgment on the pleadings [D.E. 19] is DENIED, and the action is REMANDED to the Commissioner under sentence four of 42 U.S.C. § 405(g).

SO ORDERED. This 21 day of August 2017.

  
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JAMES C. DEVER III  
Chief United States District Judge