

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-275-D

WILLIE E. HARDY,)
)
 Plaintiff,)
)
 v.)
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of Social Security,)
)
 Defendant.)

ORDER

On April 25, 2014, Magistrate Judge Swank issued a Memorandum and Recommendation (“M&R”) [D.E. 31]. In that M&R, Judge Swank recommended that the court grant plaintiff’s motion for judgment on the pleadings [D.E. 26], deny defendant’s motion for judgment on the pleadings [D.E. 28], and remand the action to the Commissioner under sentence four of 42 U.S.C. § 405(g). 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) (alteration in original) (emphasis 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. 31].

In sum, plaintiff's motion for judgment on the pleadings [D.E. 26] is GRANTED, defendant's motion for judgment on the pleadings [D.E. 28] is DENIED, and this action is REMANDED to the Commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g).

SO ORDERED. This 24 day of May 2014.


JAMES C. DEVER III
Chief United States District Judge