IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:15-CV-395-D

RANDY CLAYTON JOYNER,)
Plaintiff,)
v.	ORDER
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
÷)
Defendant.)

On December 20, 2016, Magistrate Judge Jones issued a Memorandum and Recommendation ("M&R") [D.E. 28]. Judge Jones recommended that plaintiff's motion for judgment on the pleadings [D.E. 17] be granted, that defendant's motion for judgment on the pleadings [D.E. 25] 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." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (alteration, emphasis, and quotation omitted); <u>see</u> 28 U.S.C. § 636(b)(1). 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." <u>Diamond</u>, 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. 28]. Plaintiff's motion for judgment on the pleadings [D.E. 17] is GRANTED, defendant's motion for judgment on the pleadings [D.E. 25] is DENIED, and the action is REMANDED to the Commissioner under sentence four of 42 U.S.C. § 405(g).

SO ORDERED. This 6 day of January 2017.

JAMES C. DEVER III

Chief United States District Judge