

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No.

KIMBERLY A REATH,                     )  
    Plaintiff,                         )  
                                          )  
    v.                                    )  
                                          )  
SOCIAL SECURITY                        )  
ADMINISTRATION,                        )  
    Defendant.                         )

**ORDER**

This matter is before the court on frivolity review. Plaintiff initiated this action by filing an application to proceed in forma pauperis (IFP) and proposed complaint. United States Magistrate Judge Kimberly A. Swank entered an order and a Memorandum and Recommendation ("M&R") on March 23, 2018, granting plaintiff's application to proceed IFP and recommending plaintiff's claims be dismissed in part and permitted to proceed in part. Plaintiff filed a document entitled Objections on April 4, 2018.

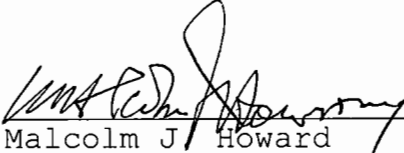
The court has carefully reviewed the M&R, objections, and other documents of record. After conducting a de novo review, the district judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge..."). 28 U.S.C. § 636(b). Based on its de novo review, the court finds

that the recommendation of Magistrate Judge Swank is, in all respects, in accordance with the law and should be approved.

Accordingly, the court ADOPTS the recommendation of the magistrate judge as its own and hereby DISMISSES plaintiff's claim for money damages for failure to state a claim upon which relief may be granted. The court hereby construes plaintiff's request for review of the Commissioner of Social Security and request for interim relief as a request for injunctive relief requiring the Commissioner to reinstate her SSI benefits, and this claim is ALLOWED to proceed.

Finally, the clerk is directed to refer this matter to the pro bono panel.

This 21<sup>st</sup> day of May 2018.

  
\_\_\_\_\_  
Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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