

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-CV-208-GCM-DCK

LINDA L. KIDD,)
)
 Plaintiff,)
)
 vs.)
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of Social Security,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court upon the memorandum and recommendation of United States Magistrate David C. Keesler, filed January 10, 2017. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. It appears to the court that the parties have not filed any such objections.

After an independent and thorough review of the magistrate's memorandum, the court concludes that there is no clear error on the face of the record and that the recommendation to deny Plaintiff's Motion for Summary Judgment, deny the Defendant's Motion for Summary Judgment, vacate the Commissioner's determination, and remand for further consideration is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, Plaintiff's Motion for Summary Judgment is DENIED, and the Defendant's Motion for Summary Judgment is DENIED. The Commissioner's determination is vacated and this matter is hereby REMANDED for further consideration.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the
magistrate is hereby **AFFIRMED**.

Signed: February 1, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

