

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:23-cv-00124-MR-WCM**

<b>AVEONTAY ARMSTRONG,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>MEMORANDUM OF</u></b>
	)	<b><u>DECISION AND ORDER</u></b>
<b>MARTIN O'MALLEY,<sup>1</sup></b>	)	
<b>Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**THIS MATTER** is before the Court on the parties' briefs [Docs. 7, 11] and the Magistrate Judge's Memorandum and Recommendation [Doc. 13] regarding the disposition of this matter.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the briefs filed in the above-captioned action and to submit to this Court a recommendation for the disposition of this matter.

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<sup>1</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley is hereby substituted as the defendant in this action.

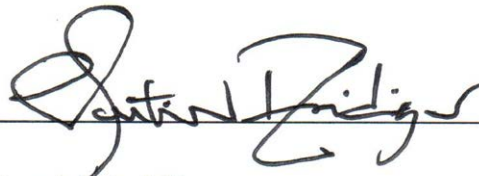
On January 4, 2024, the Magistrate Judge entered a Memorandum and Recommendation [Doc. 13] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the disposition of this matter. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After careful review of the Magistrate Judge's Memorandum and Recommendation [Doc. 13], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendations.

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 13] is **ACCEPTED**, and the decision of the Commissioner is hereby **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

**IT IS SO ORDERED.**

Signed: February 5, 2024



Martin Reidinger  
Chief United States District Judge

