

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:11CV23-RLV**

**ELIZABETH WARD NEWCOMB** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **MICHAEL J. ASTRUE,** )  
 **Commissioner of Social Security,** )  
 **Defendant.** )  
 \_\_\_\_\_ )

**Memorandum & Opinion**

**THIS MATTER IS BEFORE THE COURT** on Defendant’s “Motion for Summary Judgment” (Doc. 15) and *pro se* Plaintiff’s most recent letter to the Court. (Doc. 12.)

Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge David C. Keesler was designated to consider and recommend disposition in the aforesaid motion. In an opinion filed March 26, 2012, the Magistrate Judge recommended that Plaintiff Newcomb’s “Complaint” (Doc. 1) be dismissed without prejudice, and Defendant’s “Motion for Summary Judgment” be denied as moot. (Doc. 18.) The time for filing objections has since passed, 28 U.S.C. §636(b)(1)(c), and it is difficult to ascertain the Plaintiff’s “specific” objection for purposes of a *de novo* review.

After a careful review of the Magistrate Judge’s Memorandum and Recommendation, the Court finds that his findings of fact are supported by the record and his conclusions of law are consistent with and well supported by current case law. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315-16 (4<sup>th</sup> Cir. 2005) (“[I]n the absence of a timely filed 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.”);

*Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982) (holding that only a careful review is required in considering memorandum and recommendation absent specific objections.) Since there is no coherent objection, the Court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Complaint is hereby **DISMISSED WITHOUT PREJUDICE**; and Defendant's Motion for Summary Judgment is hereby **DENIED**.

Signed: July 2, 2012



Richard L. Voorhees  
United States District Judge

