

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Tracy M. Hughes,	)	Civil Action No.: 1:13-1116-MGL
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>OPINION AND ORDER</u></b>
	)	
Carolyn W. Colvin, <sup>1</sup>	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court for review of the Report and Recommendation (“Report”) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. 636(b)(1)(B) and Local Civil Rule 73.02 for the District of South Carolina. Plaintiff Tracy M. Hughes (“Plaintiff”), brought this action seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying Plaintiff’s claim for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”).

On July 1, 2014, the Magistrate Judge issued a Report in which she recommended that the Commissioner’s decision be reversed and remanded for further administrative proceedings. (ECF No. 25.) Plaintiff filed no objections to the Report. On July 16, 2014, the Commissioner filed a notice stating she would not file objections to the Magistrate Judge’s Report. (ECF No. 26.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

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<sup>1</sup>Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as Defendant in this lawsuit.

determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and may accept, reject or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1).

After a careful review of the record, including the findings of the ALJ, the briefs from Plaintiff and the Commissioner, and the Magistrate Judge's Report, the Court finds the Report provides an accurate summary of the facts in the instant case and that the conclusions are proper. The Magistrate Judge's findings are hereby specifically incorporated herein by reference.

Accordingly, this action is reversed pursuant to sentence four of 42 U.S.C. § 405(g) and is remanded to the Commissioner for further consideration, as specifically set forth in the Magistrate Judge's Report.

**IT IS SO ORDERED.**

/s/ Mary G. Lewis  
United States District Judge

July 17, 2014  
Spartanburg, South Carolina