

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

Michael Estes,)	
)	Civil Action No. 1:16-cv-03343-JMC
Plaintiff,)	
)	
v.)	
)	
Nancy A. Berryhill, Acting Commissioner of Social Security Administration,)	
)	
Defendant.)	
)	

ORDER

This matter is before the court upon review of Magistrate Judge Shiva V. Hodges' Report and Recommendation ("Report") (ECF No. 13), filed on May 23, 2017, recommending that the Commissioner's decision be reversed and remanded for further administrative proceedings pursuant to 42 U.S.C. § 405(g) as the Commissioner's decision is not supported by substantial evidence.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

The parties were advised of their right to file objections to the Report. (ECF No. 13). Defendant replied, notifying the court that she would not be filing any objections. (ECF No. 14).

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199

(4th Cir. 1983). Rather, “in 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.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. The court **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 13), and **REVERSES** and **REMANDS** the Commissioner’s decision for further administrative processing pursuant to 42 U.S.C. § 405(g).

IT IS SO ORDERED.



United States District Judge

June 8, 2017
Columbia, South Carolina