

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

William Glenn Parker,)	
)	
Plaintiff,)	
)	Civil Action No. 1:16-cv-3852-TMC
v.)	
)	ORDER
Nancy A. Berryhill,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

Plaintiff, William Glenn Parker, brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”)¹ denying his claim for Disability Insurance Benefits (“DIB”) under the Social Security Act (“SSA”). (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court reverse the Commissioner’s decision pursuant to sentence four of 42 U.S.C. § 405(g) and remand the action for further administrative proceedings. (ECF No. 16). Plaintiff has not filed any objections to the Report, and on August 31, 2017, the Commissioner filed a notice of her intent not to file any objections to the Report. (ECF No. 18).

¹Nancy A. Berryhill became the Acting Commissioner of the Social Security Administration on January 27, 2017. Pursuant to Fed. R. Civ. P. 25(d), Berryhill should be substituted for Carolyn W. Colvin as the defendant in this action.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *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).

Having conducted the required review, the court finds no clear error. Therefore, the court adopts the Report and its recommended disposition. Accordingly, the Commissioner’s final decision is **REVERSED** and the action is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceeding.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
September 13, 2017