



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

WALTER COREY GORDON,  
Plaintiff,

vs.

NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,  
Defendant.

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CIVIL ACTION NO. 2:15-2814-MGL

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ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND REVERSING AND REMANDING THE CASE TO DEFENDANT  
FOR FURTHER CONSIDERATION

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This is a Social Security appeal in which Plaintiff seeks judicial review of a final decision of Defendant denying his claims for Disability Insurance Benefits and Social Security Income. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court that the case be reversed and remanded to Defendant for further consideration. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 19, 2017, and Defendant filed her notice that she did not intend to file any objections to the Report on January 26, 2017. “[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.’” *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). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that this case is hereby **REVERSED AND REMANDED** to Defendant for further consideration as set forth in the Report.

**IT IS SO ORDERED.**

Signed this 26th day of January, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
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MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE