

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Autumn Garner,)	Civil Action No.: 2:17-cv-1207-AMQ
)	
Plaintiff,)	
vs.)	
)	<u>ORDER</u>
)	
Nancy A. Berryhill, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	
_____)	

This matter is before the Court on Plaintiff Autumn Garner’s (“Plaintiff”) complaint brought pursuant to 42 U.S.C. § 405(g), seeking judicial review of the Commissioner of Social Security’s final decision, which denied Plaintiff’s claim for supplemental security income (“SSI”) under Title XVI of the Social Security Act due to arthritis, fibromyalgia, carpal tunnel syndrome, irritable bowel syndrome, and spinal stenosis. (ECF No. 19 at 1.) The Administrative Law Judge (“ALJ”) issued a Decision denying SSI on January 26, 2016, and it is now the Commissioner’s final decision for purposes of judicial review. (ECF No. 19 at 2.)

The record includes the Report and Recommendation (“Report”) of United States Magistrate Judge Mary Gordon Baker, which was made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a) (D.S.C.). In the Report, which was filed on June 22, 2018, the Magistrate Judge recommends that the Court affirm the decision of the Commissioner. (ECF No. 19.) The Magistrate Judge found that the ALJ properly weighed the opinions of the Plaintiff’s treating physicians and assessed the weight of those opinions in

accordance with 20 C.F.R. § 416.927, and that the ALJ's decision was supported by substantial evidence. (ECF No. 19 at 17.) Neither party filed objections and the time for doing so has since expired.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “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.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none after a thorough review of the Report and the record in this case, the Court hereby adopts and incorporates the Report herein (ECF No. 19). Therefore, it is the judgment of the Court that the Commissioner’s final decision denying Plaintiff’s claims is **AFFIRMED**.

IT IS SO ORDERED.

/s/ A. Marvin Quattlebaum, Jr.
United States District Judge

July 17, 2018
Greenville, South Carolina