

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Arnold Bernard Cruell,	)	
	)	C/A No.: 4:11-cv-02847-GRA-TER
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	(Written Opinion)
Michael J. Astrue,	)	
Commissioner of Social Security	)	
	)	
Defendant.	)	
	)	

This matter comes before the Court for a review of Magistrate Judge Thomas E. Roger, III's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(g) of the District of South Carolina and filed on January 7, 2013. Plaintiff brought this action pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), to obtain judicial review of a "final decision" of the commissioner of Social Security, denying Plaintiff's claim for Disability Insurance Benefits and Supplemental Security Income. See ECF No. 1. Magistrate Judge Rogers recommends that the Commissioner's decision be reversed pursuant to sentence four of 42 U.S.C. § 405(g) and that the case be remanded to the Commissioner for further administrative action. ECF No. 28. For the reasons stated herein, the Court adopts the magistrate's Report and Recommendation in its entirety.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions

of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* However, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). Additionally, any party who fails to file timely, written objections to the Magistrate Judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United States v. Schrone*, 727 F.2d 91 (4th Cir. 1984), *cert denied*, 467 U.S. 1208 (1984). Objections were due by January 25, 2013, and neither party has filed any objections to the Report and Recommendation.

After reviewing the Magistrate Judge's Report and Recommendation and relevant case law, this Court finds that the Report and Recommendation applies sound legal principles to this case. Therefore, the Court adopts it in its entirety.

**IT IS THEREFORE ORDERED** that the Commissioner's decision is REVERSED pursuant to sentence four of 42 U.S.C. § 405(g) and that the case is REMANDED to the Commissioner for further administrative action as set forth in the Report and Recommendation.

**IT IS SO ORDERED.**



G. Ross Anderson, Jr.  
Senior United States District Judge

January 28, 2013  
Anderson, South Carolina