

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

Lisa Richards,)
) Civil Action No.: 5:12-cv-00076-JMC
 Plaintiff,)
)
 v.) OPINION AND ORDER
)
 Michael J. Astrue, Commissioner of)
 Social Security Administration,)
)
 Defendant.)
)

This matter is before the court for a review of the Magistrate Judge's Report and Recommendation ("Report"), [Dkt. No. 15], filed on January 22, 2013, recommending that the decision of the Commissioner of Social Security ("the Commissioner") denying Plaintiff's claim for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI") be affirmed. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 D.S.C., the matter was referred for pretrial handling to United States Magistrate Judge Kaymani D. West in which she recommended affirming the decision of the Commissioner because the decision was supported by substantial evidence. The Report sets forth the relevant facts and legal standards which this court incorporates herein without a recitation.

The Magistrate Judge's Report and Recommendation 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. The recommendation 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 and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or

recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The parties were notified of their right to file objections [Dkt. No. 15-2]. Plaintiff has not filed any objections to the Report. In the absence of objections to the Magistrate Judge's Report and Recommendation, 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 and Recommendation 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); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough and careful review of the record, the court finds the Magistrate Judge's Report and Recommendation provides an accurate summary of the facts and law in the instant case. The court **ACCEPTS** the Magistrate Judge's Report [Dkt. No. 15] and incorporates it herein by reference. For the reasons set out in the Report, the Commissioner's final decision is **AFFIRMED**.

IT IS SO ORDERED.



United States District Judge

February 11, 2013
Greenville, South Carolina