

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Cindy Sue Street,)	C/A No. 5:16-cv-3981-DCC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Nancy A. Berryhill, Acting Commissioner of Social Security,)	
)	
Defendants.)	

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a final decision on the Commissioner of Social Security (“Commissioner”) denying her claim for Disability Insurance Benefits under the Social Security Act. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings and a Report and Recommendation (“Report”). On January 10, 2018, the Magistrate Judge issued a Report recommending that the Commissioner’s decision be reversed and remanded pursuant to sentence four of § 405(g) for further proceedings. ECF No. 22. On January 24, 2018, the Commissioner filed notice that she would not file objections. ECF No. 24. Plaintiff has filed no objections, and the time to do so has lapsed.

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 the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by

the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of 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.” (citation omitted)).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the Court adopts the Report, which is incorporated herein by reference. Accordingly, the Commissioner’s final decision is REVERSED and REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative review as set forth in the Report.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

March 8, 2018
Spartanburg, South Carolina