

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

Harriette Anne Taylor,)	Civil Action No.: 6:14-3407-MGL
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
Carolyn W. Colvin, Acting Commissioner of Social Security,)	
)	
Defendant.)	
)	

Plaintiff Harriette Anne Taylor, (“Plaintiff”), brought this action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of a final decision of the Defendant, Acting Commissioner of Social Security (“Commissioner”), denying her claims for Supplemental Security Income (“SSI”) under the Social Security Act. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling. On November 23, 2015, the Magistrate Judge issued a Report and Recommendation, (“Report”), (ECF No. 25), recommending that the matter be remanded to the Commissioner for further consideration and further administrative action. Objections to the Report were due by December 10, 2015. On that date, Defendant notified the Court that it would not be filing any objections. (ECF No. 26). The matter is now ripe for decision.

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* 28 U.S.C. § 636(b). 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).

Applying the above standards to the instant matter, the Court has carefully reviewed the record, applicable law, and the Magistrate Judge’s Report, (ECF No. 25), and finding no clear error in the Report, the Court adopts and incorporates it by reference. The Commissioner’s decision is thereby **REVERSED** pursuant to sentence four of 42 U.S.C. § 405(g) and the matter is **REMANDED** to the Commissioner for further consideration and administrative action consistent with the recommendations set out by the Magistrate Judge in the Report.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

December 14, 2015
Spartanburg, South Carolina