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

Rosa Ledbetter,) Case 6:23-cv-02312-JDA
Plaintiff,)
V.) OPINION AND ORDER
Commissioner of Social Security Administration,)))
Defendant.))

Rosa Ledbetter brought this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to obtain judicial review of a final decision of the Commissioner of Social Security ("Commissioner") denying her claim for disability insurance benefits. [Doc. 1.] In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule (D.S.C.) 73.02(B)(2)(a), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pretrial disposition. On March 18, 2024, the Magistrate Judge issued a Report and Recommendation ("Report"), recommending that the Commissioner's decision be reversed pursuant to sentence four of 42 U.S.C. § 405(g) and the case remanded for further administrative action. [Doc. 27.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections and the serious consequences if they failed to do so. [Id. at 11.] The parties have not filed 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 this Court. See Mathews v. Weber, 423 U.S. 261, 270–71

(1976). The Court is charged with making a de novo determination of only those portions

of the Report that have been specifically objected to, and the Court may accept, reject,

or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of

objections, the court is not required to provide an explanation for adopting the Report and

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).

After a thorough review of the Report, the applicable law, and the record of this

case in accordance with the above standard, the Court finds no clear error, accepts the

Report, and incorporates the Report by reference herein. Accordingly, the decision is

REVERSED, and the matter is REMANDED pursuant to sentence four of 42 U.S.C.

§ 405(g) for further administrative action.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

April 15, 2024 Greenville, South Carolina

2