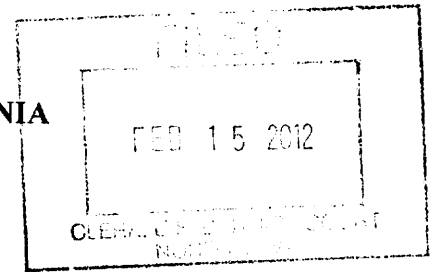


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



VICTOR VETO STOCKONIS,

Plaintiff,

v.

Civil No. 2:10cv459

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

OPINION AND FINAL ORDER

Plaintiff Victor Veto Stockonis (“Stockonis”) brought this action under 42 U.S.C. § 405(g) and 42 U.S.C. § 1383(c)(3) seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying his claim for disability insurance benefits (“DIB”) and supplemental security income (“SSI”) under Title II and Title XVI of the Social Security Act. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated January 27, 2011, this matter was referred to United States Magistrate Judge F. Bradford Stillman for a Report and Recommendation. Doc. 9.

In a Report and Recommendation (“R&R”) filed January 11, 2012, Judge Stillman found that the Administrative Law Judge’s (“ALJ”) decision to deny Stockonis’s claims for DIB and SSI was not based upon substantial evidence. Doc. 21 at 28. Accordingly, Judge Stillman recommended vacating the decision of the Commissioner and remanding this case to the Commissioner for further proceedings consistent with the R&R. Id. at 30.

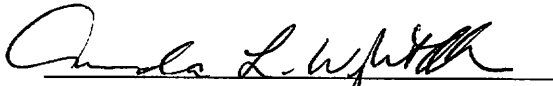
By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by Judge Stillman within fourteen (14) days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. The time for filing written objections has passed, and neither party has filed objections. As indicated in the R&R, "failure to file timely objections to the findings and recommendations set forth [in the R&R] will result in a waiver of the right to appeal from a judgment of this Court based on such findings and recommendations." Id. at 31.

This Court has reviewed the R&R of Judge Stillman and hereby **ADOPTS** and **APPROVES** in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that the final decision of the Commissioner be **VACATED** and this case be **REMANDED** to the Commissioner for further proceedings consistent with the R&R.

Stockonis is advised that he may appeal from this Opinion and Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Order. If Stockonis wishes to proceed *in forma pauperis* on appeal, the application to proceed *in forma pauperis* is to be submitted to the Clerk, United States Court of Appeals, Fourth Circuit, 1100 E. Main Street, Richmond, Virginia 23219.

The Clerk is **REQUESTED** to send a copy of this Opinion and Final Order to all counsel of record.

IT IS SO ORDERED.


ARENDA L. WRIGHT ALLEN
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
February 15th, 2012