

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

DOROTHY DELORIS MORRIS,
Plaintiff,

v.

Civil No. 2:14cv179

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
Defendant.

FINAL ORDER

Plaintiff Dorothy Deloris Morris brought this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Social Security Commissioner (“Commissioner”) denying her claim for disability insurance benefits (“DIB”) and supplemental security income (“SSI”) pursuant to 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 July 17, 2014, this matter was referred to United States Magistrate Judge Tommy E. Miller for a Report and Recommendation (“R&R”).

In a R&R filed March 31, 2015, Judge Miller found that the Administrative Law Judge failed to apply the correct legal standard for Listing 12.05(C) and his decision to deny Ms. Morris’s claim was not supported by substantial evidence. *See* ECF No. 15 at 19. Accordingly, Judge Miller recommended granting Ms. Morris’s motion for summary judgment, denying the Commissioner’s motion for summary judgment, vacating the decision of the Commissioner and remanding the case further proceedings. *Id.*


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 Miller 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 waiver of right to appeal from a judgment of this [C]ourt based on such findings and recommendations." *Id.* at 20.

This Court has reviewed the R&R of Judge Miller (ECF No. 15) and hereby **ADOPTS** and **APPROVES** in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that the Commissioner's Motion for Summary Judgment (ECF No. 13) is **DENIED**, Ms. Morris's Motion for Summary Judgment (ECF No. 12) is **GRANTED**, the final decision of the Commissioner is **VACATED**, and the case is **REMANDED** for further proceedings.

The Clerk is **REQUESTED** to send a copy of this Final Order to all parties.

IT IS SO ORDERED.



Arenda L. Wright Allen
United States District Judge

~~May~~ ^{4th}
April 4, 2015
Norfolk, Virginia