

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

**CHERYL ELLIOTT,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO.: 2:16cv708**

**NANCY A. BERRYHILL,  
Acting Commissioner,  
Social Security Administration,**

**Defendant.**

***ORDER***

On November 8, 2016, Plaintiff brought this action under Section 405(g) of the Social Security Act, seeking judicial review of the final decision of the Defendant, Nancy A. Berryhill, the Acting Commissioner of the Social Security Administration (“the Commissioner”), which denied Plaintiff’s claim for Disability Insurance Benefits (“DIB”) pursuant to Title II, and his claim for Supplemental Social Security Income (“SSI”) pursuant to Title XVI, of the Social Security Act.

On April 10, 2017, this matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation (R&R). On January 25, 2018, the Magistrate Judge filed his report recommending that Defendant’s Motion for Summary Judgment be **GRANTED**, but Plaintiff’s Motion for Summary Judgment be **DENIED**.


The Court does hereby accept the findings and recommendations set forth in the report of

the United States Magistrate Judge filed January 25, 2018, and it is, therefore **ORDERED** that Commissioner's Motion for Summary Judgment be **GRANTED**, Plaintiff's Motion for Summary Judgment be **DENIED**.

The Clerk shall mail a copy of this final Order to counsel for the parties.

**IT IS SO ORDERED.**

Norfolk, Virginia  
February 23, 2018



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**Raymond A. Jackson**  
**United States District Judge**