

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

LYZETTE S., ¹)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:20cv645 (RCY)
)	
KILOLO KIJAKAZI, ²)	
)	
Acting Commissioner of Social Security,)	
)	
<u>Defendant.</u>)	

FINAL ORDER
(Adopting Report and Recommendation of the Magistrate Judge)

Plaintiff Lyzette S. brought this civil action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the decision by the Acting Commissioner of the Social Security Administration (“Commissioner”) denying her claim for Social Security disability insurance benefits and supplemental security income under the Social Security Act.

Pursuant to 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure, and by order of reference (ECF No. 10), this matter was referred to United States Magistrate Judge Douglas E. Miller for a Report and Recommendation (“R & R”). In his R & R, filed on November 19, 2021, Magistrate Judge Miller recommended that the Court DENY Plaintiff’s Motion for Summary Judgment (ECF No. 12), GRANT Defendant’s Motion for Summary Judgment (ECF No. 14), and AFFIRM the Commissioner’s finding of no disability. (See R & R, ECF No. 17.)

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² Kilolo Kijakazi is the Acting Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d).

By copy of the R & R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen days from the date the R & R was forwarded to the objecting party by Notice of Electronic Filing or mail, computed pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. Rule 6(d) permits an extra three (3) days if service occurs by mail. The parties were further advised that failure to file timely objections to the findings and recommendations would result in a waiver of appeal from a judgment of this Court based on such findings and recommendations. *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *Carr v. Hutto*, 737 F.2d 433, 434 (4th Cir. 1984); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

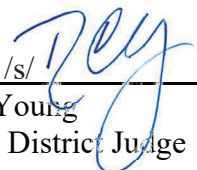
The time for filing written objections has passed, and neither party has filed objections. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted).

The Court has reviewed the R & R and finds no clear error on the face of the record. Accordingly, the Court hereby ADOPTS and APPROVES in full the findings and recommendations set forth in the R & R. It is hereby ORDERED that the Plaintiff’s Motion for Summary Judgment (ECF No. 12) is DENIED, the Defendant’s Motion for Summary Judgment (ECF No. 14) is GRANTED, and the Commissioner’s finding of no disability is AFFIRMED.

The Clerk is DIRECTED to enter judgment in favor of the Defendant and close this civil action. The Clerk is also DIRECTED to send a copy of this Final Order to all counsel of record.

It is so ORDERED.

Norfolk, Virginia
Date: December 16, 2021



/s/ Roderick C. Young
United States District Judge