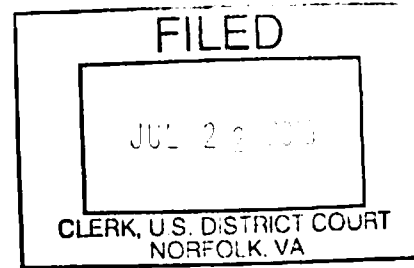


**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**



KAREN LORETTA CHRISTIAN,

Plaintiff,

v.

Civil Action No.: 4:15cv41

**CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

OPINION AND ORDER

Plaintiff Karen Loretta Christian (“Plaintiff” or “Christian”) brought this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Acting Commissioner of the Social Security Administration (“Acting Commissioner”) denying her claim for Disability Insurance Benefits (“DIB”) pursuant to Title II 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 20, 2015, this matter was referred to a United States Magistrate Judge for a Report and Recommendation. Doc. 11.

The Report and Recommendation of the Magistrate Judge (“R&R”), filed on May 6, 2016, finds that the Administrative Law Judge (“ALJ”) properly accounted for Plaintiff’s mental impairments, obesity and the effects of obesity on her other impairments and in combination with her other impairments, and diabetes and osteoarthritis and allied disorders in his residual functional capacity (“RFC”) determination. Doc. 19 at 14–28. Additionally, the R&R finds that the ALJ’s RFC was not inconsistent with his finding that Plaintiff had class II-III heart failure.

Id. at 28. Accordingly, the Magistrate Judge recommends that Plaintiff's Motion for Summary Judgment, Doc. 14, be DENIED, that the Acting Commissioner's Motion for Summary Judgment, Doc. 16, be GRANTED, that the final decision of the Acting Commissioner be AFFIRMED, and that this matter be DISMISSED WITH PREJUDICE.

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 (14) days from the date the R&R was sent, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. Doc. 19 at 32. The parties were also given an additional three (3) days, pursuant to Rule 6(d) of the Federal Rules of Civil Procedure. The time for filing written objections has now 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 33.

This Court has reviewed the R&R of the Magistrate Judge and hereby adopts and approves in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that the Acting Commissioner's Motion for Summary Judgment, Doc. 16, is **GRANTED**, that Plaintiff's Motion for Summary Judgment, Doc. 14, is **DENIED**, that the Acting Commissioner's final decision is **AFFIRMED**, and that this case is **DISMISSED WITH PREJUDICE**.

Plaintiff is advised that she 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 Plaintiff 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 Order to all counsel of
record.

It is so **ORDERED**.

/s/

Henry Coke Morgan, Jr.
Senior United States District Judge

HENRY COKE MORGAN, JR. *HCM*
SENIOR UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
July 19th, 2016