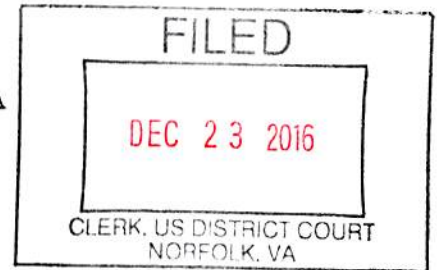


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division



TERRY L. SUTTON,

Plaintiff,

v.

ACTION NO. 4:15cv129

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

FINAL ORDER

Plaintiff, Terry L. Sutton, brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a decision of the Acting Commissioner of the Social Security Administration ("Commissioner") denying her claim for a period of disability and disability insurance benefits under Title II of the Social Security Act.

This matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation of the Magistrate Judge was filed on November 29, 2016, recommending that the district court grant in part and deny in part plaintiff's motion for summary judgment (ECF No. 10), deny defendant's motion for summary judgment (ECF No. 11), and vacate and remand the decision

of the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. It was further recommended that plaintiff's motion for summary judgment be denied to the extent it sought a reversal and an award of benefits.

By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. No objections have been filed.

Following a de novo review of the Magistrate Judge's Report and Recommendation, and given the fact that no objections have been filed thereto, the Court **ADOPTS** the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed on November 29, 2016. Therefore, Defendant's Motion for Summary Judgment (ECF No. 11) is **DENIED**; Plaintiff's Motion for Summary Judgment (ECF No. 10) is **GRANTED IN PART AND DENIED IN PART**. Additionally, to the extent plaintiff's motion for summary judgment sought a reversal and an award of benefits, it is **DENIED**. Accordingly, the Commissioner's ruling is **VACATED** and the case is **REMANDED** for further proceedings.

The parties are **ADVISED** that they may appeal from this 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 Final Order.

The Clerk shall forward a copy of this Final Order to counsel for the parties.

 /s/

Mark S. Davis
United States District Judge

Norfolk, Virginia
December 22, 2016