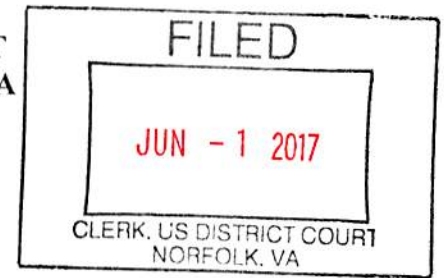


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION



JOSEPH CARL HUGHES,

Plaintiff,

v.

NANCY A. BERRYHILL,

CIVIL NO. 4:16-cv-157

Acting Commissioner of the
Social Security Administration,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g), seeking judicial review of the decision of the Commissioner of Social Security to deny his claim for Supplemental Security Income (“SSI”) under Title XVI of the Social Security Act. Plaintiff, proceeding pro se, claims that he is disabled and needs SSI to afford medication for his mental health issues.

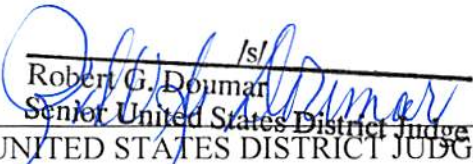
This matter was referred to a United States Magistrate Judge pursuant to provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Local Rules of the United States District Court for the Eastern District of Virginia, for a report and recommendation. The Report and Recommendation of the Magistrate Judge was filed on May 9, 2017, which recommends dismissal of the Complaint because it was not timely filed and because the Plaintiff failed to provide any grounds for tolling the limitation period. ECF No. 14. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. To date, the Court has received no objections to the Magistrate Judge’s Report and Recommendation, and the time for filing same has expired.

The Court hereby **ADOPTS** the findings and recommendations of the Magistrate Judge as set forth in the Report and Recommendation filed on May 9, 2017. ECF No. 14. Accordingly, the Commissioner's Motion to Dismiss the Complaint, ECF No. 8, is **GRANTED**, and the Complaint, ECF No. 3, is **DISMISSED**.

Plaintiff is **ADVISED** that he may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United State 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 is **DIRECTED** to forward a copy of this Final Order to the Plaintiff and to all counsel of record.

IT IS SO ORDERED.


/s/
Robert G. Doumar
Senior United States District Judge
UNITED STATES DISTRICT JUDGE

Norfolk, VA

June 1, 2017