

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

KATHLEEN P.,)	
)	
Plaintiff,)	Civil Action No. 4:22cv00125
)	
v.)	<u>ORDER</u>
)	
MARTIN O'MALLEY, Commissioner of Social Security,)	By: Hon. Thomas T. Cullen
)	United States District Judge
)	
Defendant.)	

In this social security appeal, the court referred Plaintiff Kathleen P.'s and the Commissioner's motions for summary judgment (ECF Nos. 20 & 24) to Magistrate Judge Joel C. Hoppe for report and recommendation ("R&R") under 28 U.S.C. § 636(b)(1)(B). Judge Hoppe entered his R&R on March 11, 2024, recommending that the court deny the Commissioner's motion for summary judgment, grant Plaintiff's motion, and remand this case to the Commissioner for further proceedings. (ECF No. 27). Under Fed. R. Civ. P. 72(b)(2), the parties were given 14 days to file objections to the R&R, but none were filed. The court has reviewed the R&R for clear error. Finding none, it is hereby **ORDERED** that:

- (1) The R&R (ECF No. 27) is **ADOPTED** in its entirety;
- (2) Plaintiff's motion for summary judgment (ECF No. 20) is **GRANTED**;
- (3) The Commissioner's motion for summary judgment (ECF No. 24) is **DENIED**;
and
- (4) This case is **REMANDED** to the Commissioner under the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the R&R.

The clerk is directed to forward a copy of this Order to the parties.

ENTERED this 27th day of March, 2024.

/s/ Thomas T. Cullen _____
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE