

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

LISA C., ¹)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 7:18-cv-276
)	
ANDREW SAUL, Commissioner, Social)	By: Elizabeth K. Dillon
Security Administration, ²)	United States District Judge
)	
Defendant.)	
)	

ORDER AND FINAL JUDGMENT

In this social security case, plaintiff Lisa C. and defendant Andrew M. Saul, Commissioner of the Social Security Administration (the Commissioner), both move for summary judgment under Federal Rule of Civil Procedure 56. Pursuant to 28 U.S.C. § 636(b)(1)(B), the court referred the motions to U.S. Magistrate Robert S. Ballou for a report and recommendation (R&R).

On February 3, 2020, the magistrate judge issued his R&R, recommending that the court grant in part Lisa's motion, deny the Commissioner's motion, and remand the matter for further proceedings under the fourth sentence of 42 U.S.C. § 405(g). (R&R 1, 10, Dkt. No. 25.) The magistrate judge also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.* at 10.)

¹ Due to privacy concerns, the court is adopting the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States that courts only use the first name and last initial of the claimant in social security opinions.

² On June 17, 2019, Andrew Saul was sworn in as the new Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, he is automatically substituted as the proper defendant.

The deadline to object to the R&R has passed, and no party has filed an objection. “[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) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record here, the court is satisfied that there is no clear error.

Accordingly, it hereby ORDERS as follows:

1. The R&R (Dkt. No. 25) is ADOPTED;
2. The plaintiff’s motion for summary judgment (Dkt. No. 18) is GRANTED IN PART;
3. The Commissioner’s motion for summary judgment (Dkt. No. 20) is DENIED; and
4. The case is REMANDED for further administrative proceedings consistent with the R&R, pursuant to sentence four of 42 U.S.C. § 405(g); and
5. This matter is STRUCK from the active docket of the court.

The clerk is directed to send a copy of this order to all counsel of record.

Entered: February 19, 2020.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge