

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ANNA F. SHEETS,

Plaintiff,

v.

CIVIL ACTION NO. 1:11cv148
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on September 22, 2011, the Court referred this Social Security action to United States Magistrate Judge John S. Kaul with directions to submit proposed findings of fact and a recommendation for disposition.

On March 30, 2012, Magistrate Judge Kaul filed his Report and Recommendation ("R&R"), in accordance with 28 U.S.C. §636(b)(1) and Fed. R. Civ. P. 6(e), which directed the parties to file any written objections with the Clerk of Court within fourteen (14) days after being served with a copy of the R&R. He further directed the parties that failure to file objections would result in a

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

waiver of the right to appeal from the judgment of this Court. The parties have not filed any objections.

Upon consideration of Magistrate Judge Kaul's recommendation and having received no written objections,¹ the Court accepts and approves the R&R in its entirety and **ORDERS** that this civil action be disposed of in accordance with the recommendation of the magistrate judge. Accordingly, it

1. **DENIES** the Commissioner's motion for Summary Judgment (dkt. no. 14);
2. **GRANTS-IN-PART** the plaintiff's motion for Summary Judgment (dkt. no. 10);
3. **REMANDS** this action to the Commissioner for further proceedings consistent with the R&R; and
4. **DISMISSES** this civil action **WITH PREJUDICE** and **RETIREES** it from the docket of this Court.

¹ Sheets's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Pursuant to Fed.R.Civ.P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record.

DATED: April 23, 2012.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE