

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

BETH ANN MCGINNIS,

Plaintiff,

v.

CIVIL ACTION NO. 1:14CV151  
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION (DKT. NO. 13)

Pending before the Court is the Report and Recommendation of United States Magistrate Michael John Aloï ("R&R") (dkt. no. 13), dated November 10, 2015. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the R&R permits a district court to review the recommendation under standards that the court believes are appropriate; under these circumstances, the parties' right to *de novo* review is waived. See Webb v. Califano, 468 F.Supp. 825 (E.D. Cal. 1979). Here, no objections have been filed, and the Court will review the R&R for clear error.

Following review of the R&R and the record, it is the opinion of this Court that the Magistrate Judge's R&R (dkt. no. 13) should be, and, is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Court

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1. **GRANTS** the defendant's motion for Summary Judgment (dkt. no. 10);
2. **DENIES** the plaintiff's motion for Summary Judgment (dkt. no. 9); and
3. **DISMISSES** this civil action **WITH PREJUDICE**; and
4. **ORDERS** it **STRICKEN** from the active docket of this Court.

The Court directs the Clerk of Court to enter judgment in favor of the defendant.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to all counsel of record.

DATED: December 2, 2015.

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