

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

LAWRENCE DALE COOK,

Plaintiff,

v.

**CIVIL ACTION NO. 2:10cv87
(Bailey)**

**MICHAEL ASTRUE,
COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

ORDER

The above-styled matter is before this Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert. Magistrate Judge Seibert filed his Report and Recommendation (R&R) (Doc. 14) on January 28, 2011, wherein the parties were directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within fourteen (14) days after being served with a copy of the R&R. No objections have been filed. Accordingly, the Court will review the Magistrate's R&R for clear error.¹

Upon examination of the report from the Magistrate Judge, it appears to this Court that the issues raised in the cross motions for summary judgment were thoroughly considered by Magistrate Judge Seibert in his R&R. This Court, reviewing all matters now before it for clear error, is of the opinion that the R&R accurately reflects the law applicable to this action. Therefore, it is

¹The failure of a party to object to a Report and Recommendation waives the party's right to appeal from a judgment of this Court based thereon and, additionally, 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).

ORDERED that Magistrate Judge Seibert's R&R (Doc. 14) shall be, and the same hereby is, **ADOPTED**. Accordingly, it is

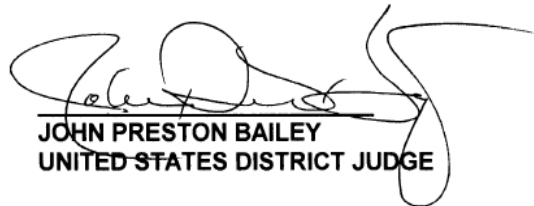
ORDERED that the defendant's Motion for Summary Judgment (Doc. 11) shall be, and the same hereby is, **GRANTED**. It is further

ORDERED that the plaintiff's Motion for Judgment on the pleadings (Doc. 9) shall be, and the same hereby is, **DENIED**. It is further

ORDERED that the decision for the defendant is **AFFIRMED**, and that this civil action is **DISMISSED** and **RETIRED** from the docket of this Court.

The Clerk of Court is directed to enter a separate judgment order and to send a copy of this Order to all counsel of record.

DATED: February 22, 2011.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE