

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

IRENE MILLS;

Plaintiff,

v.

**Civil Action No. 2:11-CV-65
(BAILEY)**

**MICHAEL J. ASTRUE,
Commissioner of Social
Security;**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge David J. Joel [Doc. 15]. In the R&R, the magistrate judge concluded that the decision by the Commissioner of Social Security (“Commissioner”) denying the plaintiff’s applications for disability insurance benefits and supplemental security income is supported by substantial evidence [*Id.*]. As such, the magistrate judge recommended that Plaintiff’s Motion for Summary Judgment [Doc. 11] be denied, Defendant’s Motion for Summary Judgment [Doc. 13] be granted, the decision of the Commissioner be affirmed, and this case be dismissed with prejudice.

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, the Court is not required to review, under a *de novo* or any other standard, the

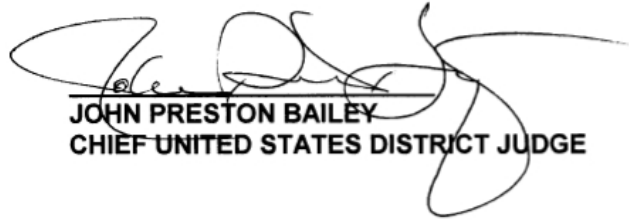
factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. **Thomas v. Arn**, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Joel's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b). The magistrate judge entered the R&R on April 9, 2012; service was immediately made to counsel for the plaintiff. Accordingly, objections were due on April 23, 2012; however, to date, no objections have been filed.

Upon careful consideration, it is the opinion of this Court that the magistrate judge's Report and Recommendation [**Doc. 15**] should be, and hereby is, **ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court hereby **DENIES** the Plaintiff's Motion for Summary Judgment [**Doc. 11**], **GRANTS** Defendant's Motion for Summary Judgment [**Doc. 13**], and **DENIES** and **DISMISSES with prejudice** the plaintiff's Complaint [**Doc. 1**]. Furthermore, this Court hereby **AFFIRMS** the Commissioner's decision denying the plaintiff's applications for disability insurance benefits and supplemental security income and **ORDERS** that this matter be **STRICKEN** from the active docket of this Court. The Clerk is directed to enter a separate judgment in favor of the defendant.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: June 6, 2012.



JOHN PRESTON BAILEY
CHIEF UNITED STATES DISTRICT JUDGE