

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

**MELANIE JANE KIMBLE,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:15-CV-71  
(GROH)**

**CAROLYN W. COLVIN,  
Acting 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”) [ECF No. 15] of United States Magistrate Judge Michael John Aloï. In the R&R, Magistrate Judge Aloï recommends that this Court grant the Defendant’s Motion for Summary Judgment [ECF No. 12] because substantial evidence supported the Administrative Law Judge’s denial of the Plaintiff’s application for disability insurance benefits. Magistrate Judge Aloï further recommends that the Court deny the Plaintiff’s Motion for Summary Judgment [ECF No. 9] and dismiss the instant civil action. For the following reasons, Magistrate Judge Aloï’s R&R is hereby **ADOPTED** and this case is **DISMISSED**.

In reviewing an R&R, this Court is required, pursuant to 28 U.S.C. § 636, to conduct a *de novo* review of those portions of a 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). Failure to file timely objections constitutes a waiver of *de novo* review and of a party's 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); Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979). In this case, Magistrate Judge Aloi issued his R&R on May 27, 2016. As of the date of this Order, no objections have been filed. Accordingly, the Court has reviewed the R&R for clear error.

Upon careful consideration of the magistrate judge's Report and Recommendation and the remainder of the record in this case, this Court finds no clear error. The Court **ORDERS** that the Report and Recommendation [ECF No. 15] should be, and is, hereby **ADOPTED**. The Court further **ORDERS** that the Defendant's Motion for Summary Judgment [ECF No. 12] is **GRANTED** and the Plaintiff's Motion for Summary Judgment [ECF No. 9] is **DENIED**. This matter is hereby **DISMISSED** and is retired from this Court's active docket.

Pursuant to Federal Rule of Civil Procedure 58, the Clerk is **DIRECTED** to enter a separate judgment order in favor of the Defendant.

The Clerk is further **DIRECTED** to transmit copies of this Order to all counsel of record herein.

**DATED:** June 27, 2016

A rectangular area with a light orange background containing a handwritten signature in blue ink. The signature is cursive and appears to read 'A. M. Aloi'.