

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

STEVEN DOUGLAS CLOUD,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:17-CV-35
(GROH)**

**NANCY A. BERRYHILL,
Acting Commissioner of Social Security,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble [ECF No. 33], entered on October 17, 2017, to which neither party filed objections.

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 R&R to which objection is made. However, failure to file objections permits the district court to review the R&R under the standard that it believes to be appropriate, and under this circumstance, the parties’ right to *de novo* review is waived. See Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979).

Pursuant to Magistrate Judge Trumble’s R&R, as well as 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 6, objections were due within fourteen days after entry of the R&R. Accordingly, because no objections have been filed, this Court reviewed the R&R for clear error.


In this matter, Magistrate Judge Trumble found that the administrative law judge's decision was supported by substantial evidence. It is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 33] should be, and is, hereby **ORDERED ADOPTED**. For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the Plaintiff's Motion for Summary Judgment [ECF No. 22] is **DENIED** and the Defendant's Motion for Summary Judgment [ECF No. 23] is **GRANTED**. Accordingly, this civil action is **DISMISSED WITH PREJUDICE**.

This matter shall be **STRICKEN** from the Court's active docket.

Pursuant to Federal Rule of Civil Procedure 58, the Clerk is **DIRECTED** to enter a separate order of judgment in favor of the Defendant and to transmit copies of this Order to all counsel of record herein and the *pro se* Plaintiff.

It is so **ORDERED**.

DATED: January 29, 2018



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE