

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

**JED ALAND WIMER,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:18-CV-43  
(GROH)**

**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. 29], entered on March 26, 2019, 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 these circumstances, 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. Because no objections have been filed, this Court will review the R&R for clear error.

Upon review and consideration, it is the opinion of the Court that Magistrate Judge Trumble’s Report and Recommendation [ECF No. 29] 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. 18] is **DENIED** and the Defendant's Motion for Summary Judgment [ECF No. 22] is **GRANTED**. The Court further **ORDERS** that this matter be **DISMISSED WITH PREJUDICE** and **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. The Clerk is further **DIRECTED** to transmit copies of this Order to all counsel of record herein.

**DATED:** April 11, 2019



GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE