

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

BARBARA S. CARBAUGH,

Plaintiff,

v.

CIVIL CASE NO. 1:15-02090

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. No. 3). Magistrate Judge Tinsley submitted his Proposed Findings and Recommendation ("PF&R") to the court on October 9, 2015, in which he recommended that the district court grant defendant's motion to remand, (Doc. No. 9), remand the case to the Commissioner for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and dismiss this matter from the court's docket. (Doc. No. 10).

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge

Tinsley's PF&R. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's PF&R within the allotted period. Having reviewed the PF&R filed by Magistrate Judge Tinsley, the court adopts the findings and recommendation contained therein.

Accordingly, the court **ADOPTS** the factual and legal analysis contained within the PF&R and **GRANTS** defendant's motion to remand. (Doc. No. 9). This case is **REMANDED** to the Commissioner of Social Security for further proceedings before an Administrative Law Judge as specified by the Commissioner pursuant to the provisions of sentence four of 42 U.S.C. § 405(g). This action is **DISMISSED** from the court's active docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

It is **SO ORDERED** this 9th day of November, 2015.

ENTER:



David A. Faber
Senior United States District Judge