

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

DAVID MARK OKES,<sup>1</sup>

Plaintiff,

v.

CIVIL CASE NO. 1:16-08976

NANCY A. BERRYHILL,  
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). See Doc. No. 4. Magistrate Judge Tinsley submitted his Proposed Findings and Recommendation ("PF&R") to the court on August 11, 2017, in which he recommended that the district court deny Plaintiff's Motion for Judgment on the Pleadings, see Doc. No. 14; affirm the final decision of the Commissioner; and dismiss this action from the court's active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing

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<sup>1</sup> See Doc. No. 18.

days, in which to file any objections to the Magistrate Judge'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. See Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). No party has filed any objections to the Magistrate Judge's PF&R.

Accordingly, the court adopts the factual and legal analysis contained within the PF&R; **DENIES** Plaintiff's Motion for Judgment on the Pleadings, see Doc. No. 14; **AFFIRMS** the final decision of the Commissioner; and **DIRECTS** the Clerk to dismiss this matter from the court's 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 11th day of September, 2017.

**ENTER:**

David A. Faber  
David A. Faber  
Senior United States District Judge