

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

BILLY J. NAYLOR, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-00308

MICHAEL J. ASTRUE  
Commissioner of Social Security,

Defendant.

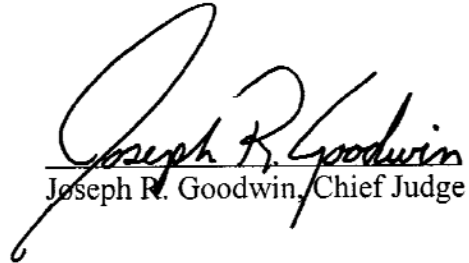
**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny the plaintiff's motion for judgment on the pleadings, grant the defendant's motion for judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this action from the court's docket [Docket 16].

On February 4, 2010, the plaintiff filed timely objections to the Magistrate Judge's findings and recommendation. The court has reviewed *de novo* those portions of the Magistrate Judge's findings and recommendation to which the plaintiff objects and finds that the objections lack merit. The court therefore **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The court **DENIES** the plaintiff's motion for judgment on the pleadings, **GRANTS** the defendant's motion for judgment on the pleadings, **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this action from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 3, 2010

  
Joseph R. Goodwin, Chief Judge