

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

PARKERSBURG DIVISION

EVELYN SUE MASSEY,

Plaintiff,

v.
CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

CIVIL ACTION NO. 2:14-cv-01571

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff's Complaint seeking review of the decision of the Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner") [ECF 2]. By Standing Order entered April 8, 2013, and filed in this case on February 2, 2014, this action was referred to United States Magistrate R. Clarke VanDervort for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge VanDervort filed his PF&R [ECF 13] on February 20, 2015, recommending that this Court affirm the final decision of the Commissioner and dismiss this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this

Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were due on March 9, 2015. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 13], **DENIES** Plaintiff’s Motion for Judgment on the Pleadings [ECF 11], **GRANTS** Defendant’s Motion for Judgment on the Pleadings [ECF 12], **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this matter from the Court’s docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

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

ENTER: March 13, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE