

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

CHARLESTON DIVISION

JENNIFER LACE GIESEKE,

Plaintiff,

v.

CIVIL ACTION NO.: 2:14-cv-29994

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant's Motion for Remand. (ECF No. 21.) By Standing Order entered on May 7, 2014 and filed in this case on December 16, 2014, this action was referred to Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition. (ECF No. 2.) Magistrate Judge Tinsley filed his proposed findings of fact and recommendations for disposition on October 9, 2015 (the "PF&R"), in which he recommends that the Court grant Defendant's Motion for Remand, remand this case, enter final judgment, and dismiss this matter. (ECF No. 22.)

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 parties' 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).

Objections to the PF&R were due by October 26, 2015. (*See* ECF No. 22 at 2.) To date, the parties have not filed any objections.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 22), **GRANTS** Defendant's Motion for Remand, (ECF No. 21), **REMANDS** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), **DISMISSES** this case, and **DIRECTS** the Clerk to remove this case from the Court's docket.

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: October 28, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE