

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

CHARLESTON DIVISION

EDWARD JAMES COFFMAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-00597

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Complaint seeking judicial review of the decision of the Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner"). (ECF No. 2.) By Standing Order entered January 6, 2016, and filed in this case on January 21, 2016, this action was referred to United States Magistrate Cheryl A. Eifert for submission of proposed findings and a recommendation ("PF&R"). (ECF No. 4.) Magistrate Judge Eifert filed her PF&R on November 30, 2016, recommending that this Court deny Plaintiff's request for judgment on the pleadings, (ECF No. 12), grant Defendant's request to affirm the Commissioner's decision, (ECF No. 13), and dismiss this action from the Court's docket. (ECF No. 15.)

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 a party'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 in this case were due on December 19, 2016. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 15), **DENIES** Plaintiff’s request for judgment on the pleadings, (ECF No. 12), and **GRANTS** the Commissioner’s request for judgment on the pleadings. (ECF No. 13.) Further, the Court **AFFIRMS** the final decision of the Commissioner, **DISMISSES** the Complaint, (ECF No. 2), 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: January 4, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE