

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

CHARLESTON DIVISION

BARRY JASON DILLON,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-4330

NANCY A. BERRYHILL,¹
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations 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 Plaintiff's request for summary judgment (ECF No. 20), grant Defendant's request to affirm the decision of the Commissioner (ECF No. 21), affirm the final decision of the commissioner, and dismiss this action from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **DENIES** Plaintiff's request for summary judgment (ECF No. 20), **GRANTS** Defendant's request to affirm the decision of the Commissioner (ECF No. 21),

¹At the time this civil action was filed, Carolyn W. Colvin was serving as the Acting Commissioner of Social Security.

AFFIRMS the final decision of the commissioner, and **DISMISSES** this action from the docket of the Court, consistent with the findings and recommendations.

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

ENTER: September 14, 2017

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE