

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

CHARLESTON DIVISION

KEITH KENARD COLEMAN

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-09192

NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

**ORDER**

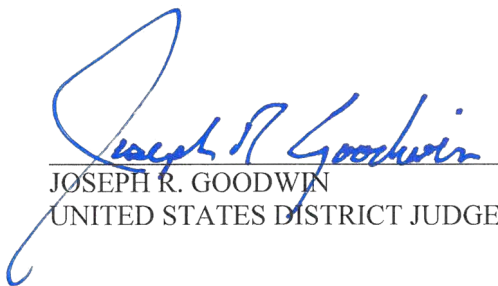
This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On January 25, 2018, Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 18] (“PF&R”) and recommended that the court **GRANT** the Plaintiff’s Brief in Support of Judgment on the Pleadings [ECF No. 14], **DENY** the Defendant’s Brief in Support of Defendant’s Decision [ECF No. 15], **REVERSE** the final decision of the Commissioner, **REMAND** the case to an ALJ for further consideration and explanation consistent with this opinion pursuant to the fourth sentence of 42 U.S.C. § 405(g), and **DISMISS** this matter from the Court’s docket. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, 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).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** the Plaintiff’s Brief in Support of Judgment on the Pleadings [ECF No. 14], **DENIES** the Defendant’s Brief in Support of Defendant’s Decision [ECF No. 15], **REVERSES** the final decision of the Commissioner, **REMANDS** the case to an ALJ for further consideration and explanation consistent with this opinion pursuant to the fourth sentence of 42 U.S.C. § 405(g), **DISMISSES** the case **with prejudice**, and **DIRECTS** this action to be removed from the docket.

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

ENTER: February 14, 2018

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE