

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

CHARLESTON DIVISION

JAMES ANDERSON YOUNG,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-12085

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff James Anderson Young's ("Claimant") Complaint seeking review of the decision of then Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner").¹ (ECF No. 2.) By Standing Order filed in this case on December 14, 2016, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings and recommendation ("PF&R"). (ECF No. 4.) Magistrate Judge Aboulhosn filed his PF&R on May 1, 2017, recommending that this Court deny Claimant's request for judgment on the pleadings and grant the Commissioner's request for affirmance of her final decision. (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

¹ Nancy A. Berryhill became the Acting Commissioner of Social Security on January 23, 2017, replacing the former Social Security Commissioner, Carolyn W. Colvin, as the original Defendant in this case. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Acting Commissioner Berryhill is automatically substituted as the Defendant.

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 originally due on May 18, 2017. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, **DENIES** Claimant's request for judgment on the pleadings, (ECF No. 13), **GRANTS** the Commissioner's for judgment on the pleadings, (ECF No. 14), **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this action 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: May 31, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE