

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

CHARLESTON DIVISION

KENNETH RAY HUTTON,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-00573

NANCY A. BERRYHILL,

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 16, 2018, Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 10] (“PF&R”) and recommended that the court **GRANT** the plaintiff’s Brief in Support of Motion for Judgment on the Pleadings [ECF No. 7] to the extent the plaintiff seeks remand pursuant to sentence four of 42 U.S.C. § 405(g), **DENY** the defendant’s Brief in Support of Defendant’s Decision [ECF No. 8], **REVERSE** the final decision of the Commissioner, **REMAND** this case for further proceedings 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 Motion for Judgment on the Pleadings [ECF No. 7] to the extent the plaintiff seeks remand pursuant to sentence four of 42 U.S.C. § 405(g), **DENIES** the defendant's Brief in Support of Defendant's Decision [ECF No. 8], **REVERSES** the final decision of the Commissioner, **REMANDS** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and **DISMISSES** this matter from the court's docket.

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

ENTER: February 5, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE