

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

CHARLESTON DIVISION

DONALD A. LAMBERT,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-00616

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

ORDER

Pending before the Court are Plaintiff's Motion for Judgment on the Pleadings, (ECF No. 10), and Defendant's Motion for Judgment on the Pleadings, (ECF No. 15). By Standing Order entered on January 4, 2017, and filed in this case on January 18, 2017, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Eifert filed her PF&R on November 20, 2017, recommending that this Court deny Plaintiff's request for judgment on the pleadings, (ECF No. 10), grant Defendant's request to affirm the decision of the Commissioner, (ECF No. 15), affirm the final decision of the Commissioner, and dismiss this action from the docket of the Court. (ECF No. 16.)

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 the Plaintiff'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 7, 2017. (ECF No. 16.) To date, Plaintiff has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 16), **DENIES** Plaintiff's request for judgment on the pleadings, (ECF No. 10), **GRANTS** Defendant's request for judgment on the pleadings, (ECF No. 15), **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this action from the docket of the Court.

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: December 20, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE