

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

CHARLESTON DIVISION

JAMES RANDALL PETRY,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-01336

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

ORDER

Pending before the Court are Plaintiff’s Brief in support of Judgment on the Pleadings, (ECF No. 13), and Defendant’s Brief in Support of Defendant’s Decision. (ECF No. 16.) This action seeks review of the final decision of the Acting Commissioner of Social Security denying the Plaintiff’s applications for Disability Insurance Benefits (“DIB”) under Title II and for Supplemental Security Income (“SSI”) under Title XVI of the Social Security Act, 42 U.S.C. §§ 401–433, 1381–1383f. (ECF No. 2.) By standing order entered on February 23, 2017, this case was referred to Magistrate Judge Omar J. Aboulhosn for submission of proposed findings of facts and recommendations for disposition (“PF&R”). (ECF No. 4.) On November 17, 2017, Magistrate Judge Aboulhosn entered his PF&R recommending that the Court deny Plaintiff’s judgment on the pleadings, grant Defendant’s request to affirm the decision of the Commissioner, affirm the final decision of the Commissioner, and dismiss this matter from this Court’s docket. (ECF No. 18.)

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 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 in this case were due on December 4, 2017. To date, no objections have been filed. Accordingly, the Court **DENIES** Plaintiff's request for judgment on the pleadings, (ECF No. 13), and **GRANTS** Defendant's request to affirm the decision of the Commissioner. (ECF No. 16.) The Court further **AFFIRMS** the final decision of the Commissioner and **DISMISSES** this matter 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: January 18, 2018



THOMAS E. JOHNSTON, CHIEF JUDGE