

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

CHARLESTON DIVISION

LAURIE JO ARBAUGH,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-01878

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Laurie Jo Arbaugh's ("Claimant") Complaint seeking review of the final decision of the Acting Commissioner of Social Security, Nancy A. Berryhill, denying the Claimant's application for Disability Insurance Benefits (DIB) under Title II of the Social Security Act, 42 U.S.C. §§ 401-433. By Standing Order entered March 14, 2017, (ECF No. 3), this case was referred to United States Magistrate Judge Omar J. Aboulhosn to consider the pleadings and evidence, and to submit proposed findings of fact and recommendations (PF&R) for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn filed his PF&R on August 31, 2017, recommending that this Court deny Claimant's request for judgment on the pleadings, (ECF No. 10), and grant Defendant's request to affirm the decision of the Commissioner, (ECF No. 11).

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 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 September 18, 2017. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, **DENIES** Plaintiff's request for judgment on the pleadings, (ECF No. 10), **GRANTS** Defendant's request to affirm the decision of the Commissioner, (ECF No. 11), **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this matter from this 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: October 12, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE