

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

CHARLESTON DIVISION

ERIC KEVIN CULLUM,  
Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01238

ANDREW SAUL,  
Commissioner of Social Security,

Defendant.

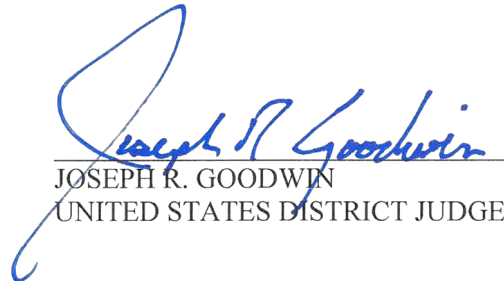
**ORDER**

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 25, 2019, Magistrate Judge Eifert submitted her Proposed Findings of Fact and Recommendation [ECF No. 11] (“PF&R”), recommending the court grant the plaintiff’s motion for judgment on the pleadings [ECF No. 8] to the extent that it requests remand of the Commissioner’s decision pursuant to sentence four of 42 U.S.C. § 405(g); deny the defendant’s request to affirm the decision of the Commissioner [ECF No. 9]; reverse the final decision of the Commissioner; remand this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the PF&R; and dismiss the case, with prejudice, and remove it from the docket of the court. To date, no objections to Magistrate Judge Eifert’s PF&R have been filed, and the time period for the filing of objections has passed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **GRANTS** the plaintiff's motion for judgment on the pleadings [ECF No. 8] to the extent that it requests remand of the Commissioner's decision pursuant to sentence four of 42 U.S.C. § 405(g); **DENIES** the defendant's request to affirm the decision of the Commissioner [ECF No. 9]; **REVERSES** the final decision of the Commissioner; **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the PF&R; and **DISMISSES** this case, **with prejudice**, and removes it from the docket of the court.

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

ENTER: July 15, 2019

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE