

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

CHARLESTON DIVISION

KENNETH CHARLES EVANS,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-1539

ANDREW SAUL, COMMISSIONER
OF SOCIAL SECURITY,¹

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Plaintiff's request for judgment on the pleadings (ECF No. 10); grant the Commissioner's request for judgment on the pleadings (ECF No. 11); affirm the decision of the Commissioner; dismiss this action, with prejudice; and remove it from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.


Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **DENIES** Plaintiff's request for judgment on the pleadings (ECF No. 10); **GRANTS** the Commissioner's request for judgment on the pleadings (ECF No. 11); **AFFIRMS** the decision of the Commissioner; **DISMISSES** this action, with prejudice; and

¹Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also, Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (stating action survives regardless of any change in the person occupying the Office of the Commissioner of Social Security).

REMOVES it from the docket of the Court, consistent with the findings and recommendations.

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

ENTER: August 30, 2019

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE