

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

CHARLESTON DIVISION

LIZZIE ARIZONA MCNEELY

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00158

ANDREW SAUL,  
Commissioner of Social Security,

Defendant.

**ORDER**

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On September 4, 2020, Magistrate Judge Eifert submitted her Proposed Findings & Recommendations [ECF No. 17] (“PF&R”) and recommended that the court **GRANT** Plaintiff’s request for judgment on the pleadings, [ECF No. 11], to the extent that it requests remand of the Commissioner’s decision; **DENY** Defendant’s request to affirm the decision of the Commissioner, [ECF No. 14]; **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** this action from the docket of the Court. Because the PF&R was served electronically on all parties, objections to the PF&R were due by September 18, 2020. Neither party timely filed objections to the PF&R nor sought an extension of time.

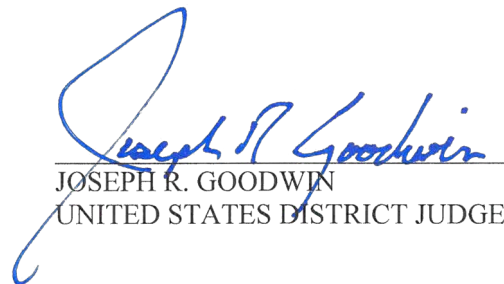
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1)(C). This court is not, however, 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).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** Plaintiff's request for judgment on the pleadings, [ECF No. 11], to the extent that it requests remand of the Commissioner's decision; **DENIES** Defendant's request to affirm the decision of the Commissioner, [ECF No. 14]; **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 action from the docket of the Court.

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

ENTER: September 22, 2020

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE