

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

**CHARLESTON DIVISION**

THOMAS DWIGHT CLINE,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00182

ANDREW SAUL,  
*Commissioner of Social Security,*

Defendant.

**MEMORANDUM OPINION AND ORDER**

By *Standing Order* (Document 3) entered on March 16, 2020, this action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, 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 January 13, 2021, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 18) wherein it is recommended that the Plaintiff's request to reverse the Commissioner's decision be granted, the Defendant's request to affirm the Commissioner's decision be denied, the final decision of the Commissioner be reversed, and this matter be remanded for further proceedings.


Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by January 27, 2021, and none were filed by either party. 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. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*. The Court **ORDERS** that the Plaintiff's request to reverse the Commissioner's decision (Document 16) be **GRANTED**, the Defendant's request to affirm the Commissioner's decision (Document 17) be **DENIED**, the final decision of the Commissioner be **REVERSED**, and this matter be **REMANDED** for further proceedings.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: February 3, 2021

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA