

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

**CHARLESTON DIVISION**

ROY EDWIN PENNINGTON,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00452

ANDREW SAUL,  
*Commissioner of Social Security,*

Defendant.

**MEMORANDUM OPINION AND ORDER**

By *Standing Order* (Document 3) entered on July 1, 2020, 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 recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 25, 2021, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 14) wherein it is recommended that this Court deny the Plaintiff's brief/request in support of judgment on the pleadings (Document 12), grant the Defendant's brief/request in support of judgment on the pleadings (Document 13), affirm the final decision of the Commissioner, and dismiss this action with prejudice from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by June 8, 2021.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. 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*, and **ORDERS** that the Plaintiff's brief/request for judgment on the pleadings (Document 12) be **DENIED** and that the Defendant's brief/request for judgment on the pleadings (Document 13) be **GRANTED**. The Court further **ORDERS** that the final decision of the Commissioner be **AFFIRMED** and that this action be **DISMISSED WITH PREJUDICE** and **REMOVED** from the Court's docket.

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

ENTER: June 9, 2021



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA