

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

CHARLESTON DIVISION

GLENNIS JENE DILLARD,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00541

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 3) entered on August 13, 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 June 30, 2021, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 14) wherein it is recommended that the Plaintiff's request/motion to reverse the Commissioner's decision (Document 11) be granted, that the Defendant's request/motion to affirm the Commissioner's decision (Document 12-1) be denied, that the final decision of the Commissioner be reversed, and that this matter be remanded for further proceedings consistent with the *Proposed Findings and Recommendation*.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by July 14, 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/motion to reverse the Commissioner's decision (Document 11) be **GRANTED**, that the Defendant's request/motion to affirm the Commissioner's decision (Document 12-1) be **DENIED**, that the final decision of the Commissioner be **REVERSED**, that this matter be **REMANDED** for further proceedings consistent with the *Proposed Findings and Recommendation*, and that this matter be **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 Tinsley, counsel of record, and any unrepresented party.

ENTER: July 21, 2021



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