

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

CHARLESTON DIVISION

MELISSA S.,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00620

MARTIN J. O'MALLEY,  
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. On May 14, 2024, Judge Eifert submitted her Proposed Findings & Recommendations (“PF&R”), [ECF No. 9], and recommended that the court (1) **DENY** Plaintiff’s request for judgment on the pleadings, [ECF No. 6]; (2) **GRANT** Defendant’s request to affirm the Commissioner’s decision, [ECF No. 7]; (3) **AFFIRM** the decision of the Commissioner; and (4) **DISMISS** this action and **REMOVE** it from the docket of the court. Neither party timely filed objections to the PF&R or sought an extension of time to do so.

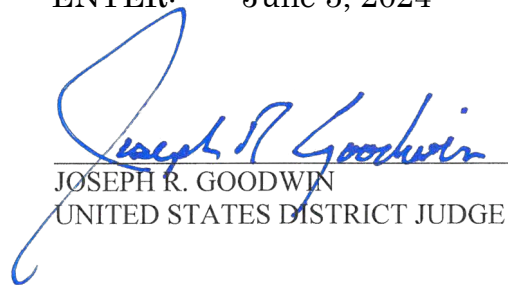
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

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 accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court hereby (1) **DENIES** Plaintiff's request for judgment on the pleadings, [ECF No. 6]; (2) **GRANTS** Defendant's request to affirm the Commissioner's decision, [ECF No. 7]; (3) **AFFIRMS** the decision of the Commissioner; and (4) **ORDERS** that this action be **dismissed** and **removed** from the court's docket.

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

ENTER: June 5, 2024



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE