

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

**HUNTINGTON DIVISION**

CHARLES E. FIZER, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:14-24360

CAROLYN W. COLVIN,  
Acting Commissioner of the  
Social Security Administration,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Plaintiff's Motion for Judgment on the Pleadings (ECF No. 9), grant Defendant's Motion for Judgment on the Pleadings (ECF No. 12), affirm the final decision of the Commissioner, and dismiss this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **DENIES** Plaintiff's Motion for Judgment on the Pleadings (ECF No. 9), **GRANTS** Defendant's Motion for Judgment on the Pleadings (ECF No. 12), **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this matter from the Court's docket, consistent with the findings and recommendations.

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

ENTER: September 21, 2015

  
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ROBERT C. CHAMBERS, CHIEF JUDGE