

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

**HUNTINGTON DIVISION**

DWAYNE FITZPATRICK STEPHENS,

Plaintiff,

v.

CIVIL ACTION NO. 3:14-25232

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

Defendant.

**MEMORANDUM OPINION AND ORDER**

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). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Plaintiff's Motion for Judgment on the Pleadings (ECF No. 10), grant Defendant's Motion for Judgment on the Pleadings (ECF No. 11), and dismiss this action, with prejudice, from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's Motion for Judgment on the Pleadings (ECF No. 10), **GRANTS** Defendant's Motion for Judgment on the Pleadings (ECF No. 11), and **DISMISSES** this action, with prejudice, from the docket of the Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: November 18, 2015

  
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ROBERT C. CHAMBERS, CHIEF JUDGE