

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

HUNTINGTON DIVISION

JAMES L. HIGGINBOTHAM,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-3886

NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

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 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 Brief in Support of Judgment on the Pleadings (ECF No. 11), grant Defendant's Brief in Support of Defendant's Decision (ECF No. 15), 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 Brief in Support of Judgment on the Pleadings (ECF No. 11), **GRANTS** Defendant's Brief in Support of Defendant's Decision (ECF No. 15), **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 12, 2018

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE