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

BECKLEY DIVISION

BRYAN W. FOX,

Plaintiff,

v. CIVIL ACTION NO. 5:12-cv-05784

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 3) entered on September 24, 2012, 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 recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 26, 2014, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 12) wherein it is recommended that this Court grant the Plaintiff's motion for judgment on the pleadings; deny the Defendant's motion for judgment on the pleadings; reverse the final decision of the Commission; remand this matter for further proceedings consistent with the *Proposed Findings and Recommendation*; and dismiss this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by March 17, 2014.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. 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 motion for judgment on the pleadings (Document 7) be **GRANTED**; the Defendant's motion for judgment on the pleadings (Document 10) be **DENIED**; the final decision of the Commissioner be **REVERSED**; this matter be **REMANED** for further proceedings consistent with the *Proposed Findings and Recommendation* pursuant to the fourth sentence of 42 U.S.C. § 405(g); and this matter be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: March 18, 2014

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