

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

BECKLEY DIVISION

THOMAS EDWARD GUY, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 5:14-cv-16746

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 4) entered on May 22, 2014, 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). On June 29, 2015, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 17) wherein it is recommended that this Court grant the Plaintiff's motion for judgment on the pleadings to the extent it seeks remand (Document 12); deny the Defendant's motion for judgment on the pleadings (Document 16); 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 July 16, 2015.

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 12) be **GRANTED** to the extent it seeks remand; the Defendant's motion for judgment on the pleadings (Document 16) be **DENIED**; the final decision of the Commission be **REVERSED**; this matter be **REMANDED** for further proceedings consistent with the *Proposed Findings and Recommendation*; 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 Eifert, counsel of record, and any unrepresented party.

ENTER: July 20, 2015



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