

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

**BECKLEY DIVISION**

MARY LYNN BENNETT,

Plaintiff,

v.

CIVIL ACTION NO. 5:16-cv-01116

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By *Standing Order* (Document 4) entered on February 1, 2016, 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 recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 6, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 16) wherein it is recommended that this Court: grant the *Defendant's Motion for Remand* (Document 15); reverse the final decision of the Commissioner; remand this matter for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g); and dismiss this matter from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by January 23, 2017, and none were filed by either party. 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 *Defendant's Motion for Remand* (Document 15) be **GRANTED**; the final decision of the Commissioner be **REVERSED**; this matter be **REMANDED** for further proceedings 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 Tinsley, counsel of record, and any unrepresented party.

ENTER: January 24, 2017



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