

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

BECKLEY DIVISION

MATTHEW STEPHEN STOVER,

Plaintiff,

v.

CIVIL ACTION NO. 5:17-cv-02642

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

On May 1, 2017, the Plaintiff filed his *Complaint* (Document 2) in this matter seeking review of the final decision of the Commission of Social Security denying the Plaintiff's application for benefits. By *Standing Order* (Document 3) entered on May 3, 2017, the action was referred to the Honorable Omar J. Aboulhosn, 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). Subsequently, by *Order* (Document 8) entered on May 15, 2017, the referral was transferred to the Honorable Dwane L. Tinsley, United States Magistrate Judge.

On June 27, 2018, Magistrate Tinsley Judge submitted a *Proposed Findings and Recommendation* (Document 11) wherein it is recommended that the Plaintiff's *Complaint* (Document 2) be dismissed without prejudice for failure to prosecute, and that this matter be

removed from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by July 16, 2018.

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*, and **ORDERS** that the Plaintiff's *Complaint* (Document 2) be **DISMISSED without prejudice** for failure to prosecute, and that this matter be **REMOVED** 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: July 17, 2018



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