

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

**BECKLEY DIVISION**

AMY L. MOSS,

Plaintiff,

v.

CIVIL ACTION NO. 5:17-cv-03672

ANDREW SAUL<sup>1</sup>,  
Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By *Standing Order* (Document 4) entered on July 20, 2017, 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 July 1, 2019, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 21) wherein it is recommended that this Court affirm the final decision of the Commissioner, deny the *Plaintiff's Brief in Support of Complaint and Motion for Remand* (Document 19), and dismiss this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by July 18, 2019.

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

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<sup>1</sup>At the time of the filing of this claim, and the filing of the *Proposed Findings and Recommendation*, the Defendant was listed as Nancy A. Berryhill, *Acting Commissioner of Social Security*.

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 final decision of the Commissioner be **AFFIRMED**, the *Plaintiff's Brief in Support of Complaint and Motion for Remand* (Document 19) be **DENIED**, 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: July 25, 2019



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA