

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

PARKERSBURG DIVISION

BRYAN L. BRITTON,

Plaintiff,

v.

CIVIL ACTION NO. 6:12-cv-01347

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Bryan L. Britton's Complaint seeking review of the decision of the Acting Commissioner of Social Security ("Commissioner") [ECF 2]. By Standing Order entered September 2, 2010 and filed in this case on May 1, 2012, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation ("PF&R"). On April 8, 2013, this action, following Magistrate Judge Stanley's retirement, was referred to Magistrate Judge Dwane L. Tinsley. Magistrate Judge Tinsley filed his PF&R [ECF 15] on August 26, 2013, recommending that this Court reverse the final decision of the Commissioner and remand this matter for further proceedings pursuant to the sixth sentence of 42 U.S.C. § 405(g).

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. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this

Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the August 26, 2013 PF&R in this case were due on September 12, 2013. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 15], **REVERSES** the final decision of the Commissioner, **REMANDS** this case for further proceedings pursuant to the sixth sentence of 42 U.S.C. § 405(g), **DISMISSES** the Complaint [ECF 2], and **DIRECTS** the Clerk to remove this case from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 13, 2013



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE