

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

WILLIAM PATRICK O'CONNOR,

Plaintiff,

v.

Civil Action No. 2:10 CV 115

**MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

ORDER

The above-styled Social Security appeal was referred to United States Magistrate Judge James E. Seibert pursuant to Rule 9.02(a) of the Local Rules of Civil Procedure.

On October 18, 2010, Magistrate Judge Seibert filed a Report and Recommendation [That] Plaintiff's Application to Proceed *In Forma Pauperis* Be Denied (Doc. 5). In the Report and Recommendation ("R&R"), Magistrate Judge Seibert noted that while the plaintiff's income was not large it did allow him some discretionary spending money and that the plaintiff owned three motor vehicles, a tractor, his home and other real estate. Accordingly, Magistrate Judge Seibert found that the plaintiff has sufficient assets to pay the filing fee in the above-styled appeal.

In his R&R, Magistrate Judge Seibert expressly advised the parties that they had fourteen (14) days after being served with a copy of the R&R in which to file objections thereto and that a failure to timely do so would result in the waiver of the right to appeal from a judgment of this Court based upon the R&R. The Court's review of the docket in the above-styled Social Security appeal has revealed that, to date, no objections to the R&R

have been filed. The Court notes, however, that the docket herein reflects that the plaintiff did, on October 28, 2010, make payment of the full \$350.00 filing fee.

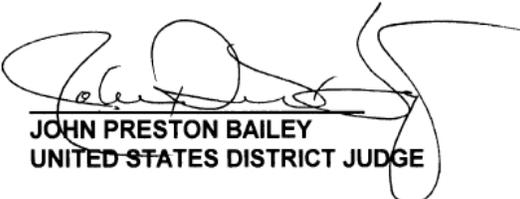
Upon consideration of the R&R, and having received no written objections thereto¹, the Court accepts said Report and Recommendation. Therefore, it is

ORDERED that Magistrate Judge Seibert's October 18, 2010, Report and Recommendation (Doc. 5) be, and the same is hereby, **ADOPTED** by this Court. Consistent therewith, it is

ORDERED that the plaintiff's Application to Proceed Without Prepayment of Fees (Doc. 2) be, and the same is hereby, **DENIED**.

The Clerk of Court is directed to transmit copies of this Order to counsel of record.

DATED: December 13, 2010.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

¹The failure of the parties to object to the Report and Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See **Wells v. Shriners Hospital**, 109 F.3d 198, 199-200 (4th Cir. 1997); **Thomas v. Arn**, 474 U.S. 140, 148-153 (1985).