

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

REBEKAH ROSE PATTEN,

Plaintiff,

v.

CIVIL ACTION NO. 1:13CV236
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on October 17, 2013, the Court referred this Social Security action to United States Magistrate Judge James E. Seibert ("Magistrate Judge Seibert" or "magistrate judge") with directions to submit proposed findings of fact and a recommendation for disposition.

On August 18, 2014, Magistrate Judge Seibert filed his Report and Recommendation ("R&R")(dkt. no. 18), and directed the parties, in accordance with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., to file any written objections with the Clerk of Court within ten (10) days after being served with a copy of the R&R. He further directed the parties that failure to file objections would result in a waiver of the right to appeal from the judgment of this Court.

On August 29, 2014, counsel for the plaintiff, Rebekah Rose Patten ("Patten"), requested an extension of time in which to respond to the R&R. On September 19, 2014, the Court granted the request and directed counsel to file any response to the R&R by

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October 3, 2014. As of this date, neither counsel has filed objections.

Upon consideration of Magistrate Judge Seibert's recommendation and having received no written objections,¹ the Court **ADOPTS** the R&R and

1. **GRANTS** the Commissioner's motion for Summary Judgment (dkt. no. 16);
2. **DENIES** the plaintiff's motion for Summary Judgment (dkt. no. 15);
3. **DISMISSES** this civil action **WITH PREJUDICE**; and
4. **DIRECTS** that it be retired from the docket of this Court.

It is so **ORDERED**.

Pursuant to Fed.R.Civ.P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record.

DATED: October 30, 2014.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The 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).