

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

MARY JUNE ST. MARIE,

Plaintiff,

v.

CIVIL ACTION NO. 1:14CV175
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION, REMANDING THE CASE, AND
DISMISSING THE CASE FROM THIS COURT'S ACTIVE DOCKET

This case is pending for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert (dkt. no. 20). For the reasons that follow, the Court adopts Magistrate Judge Seibert's Report and Recommendation, denies in part the Commissioner's motion for summary judgment (dkt. no. 15), grants in part the defendant's motion for summary judgment (dkt. no. 11), remands the case for the limited purpose of evaluating the proper weight to be afforded to the reports of Amy Hebb, Ph.D. and Muhammad Salman, M.D., and dismisses this case from the active docket of this Court.

Pursuant to 28 U.S.C. §636(b)(1), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, 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

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are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. See U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

In his R&R, the magistrate judge directed the parties, in accordance with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., to file with the Clerk of Court any written objections within fourteen (14) 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. Review of the docket sheet establishes that the magistrate judge filed his R&R on June 30, 2015 (dkt. no. 20) and further reflects that the parties have not filed any objections. Accordingly this Court will review the R&R for clear error.

Upon careful review, it is the opinion of this Court that the Magistrate Judge's Report and Recommendation (dkt. no. 20) should be, and, is **ADOPTED** for the reasons more fully stated therein. Accordingly, the Court

1. **DENIES IN PART** the defendant's motion for Summary Judgment (dkt. no. 15);
2. **GRANTS IN PART** the plaintiff's motion for Summary Judgment (dkt. no. 11);

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3. **REMANDS** this civil action to the Commissioner for further action in accordance with the R&R; and
4. **DISMISSES** this case from the active docket of this Court.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to all counsel of record.

DATED: August 13, 2015

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