

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

ALICIA ROSE GATHA SELDOMRIDGE,

Plaintiff,

v.

CIVIL ACTION NO. 1:15CV19
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
OPINION/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 February 6, 2015, the Court referred this Social Security action to United States Magistrate Judge James E. Seibert with directions to submit proposed findings of fact and a recommendation for disposition. On September 9, 2015, Magistrate Judge Seibert filed his Report and Recommendation ("R&R"), 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 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. As of this date, the parties have not filed any objections.

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Pursuant to 28 U.S.C. § 636(b)(1)(C), 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, failure to file objections to the R&R permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See Webb v. Califano, 468 F.Supp. 825 (E.D. Cal. 1979). Inasmuch as the parties have not filed any objections, this Court will review the R&R for clear error.

Upon consideration of the magistrate judge's recommendation and having received no written objections,¹ the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (dkt. no. 13) for the reasons more fully stated therein, and **ORDERS** that it be accepted in whole and this civil action be disposed of in accordance with the recommendation of the magistrate judge. Accordingly, the Court

¹ Seldomridge's failure to object to the Report and Recommendation not only waives her 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).

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1. **GRANTS** the defendant's motion for Summary Judgment (dkt. no. 10);
2. **DENIES** the plaintiff's motion for Summary Judgment (dkt. no. 8); and
3. **DISMISSES** this civil action **WITH PREJUDICE** and **RETIRES** it from the docket of this Court.

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 7, 2015.

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