

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

PEGGY SUE MCKINNEY,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:16-CV-25
(GROH)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble [ECF No. 21], entered on September 19, 2016, to which neither party filed objections.

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 R&R to which objection is made. However, failure to file objections permits the district court to review the R&R under the standard that it believes to be appropriate, and under this circumstance, the parties’ right to *de novo* review is waived. See Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979).

Pursuant to Magistrate Judge Trumble’s R&R, as well as 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 6(d), objections were due within fourteen plus three days after entry of the R&R. Accordingly, because no objections have been filed, this Court will review the R&R for clear error.

In this matter, Magistrate Judge Trumble found that substantial evidence supports the findings of the administrative law judge. Accordingly, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 21] should be, and is, hereby **ORDERED ADOPTED**. For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the Plaintiff's Motion for Summary Judgment [ECF No. 15] is **DENIED** and the Defendant's Motion for Summary Judgment [ECF No. 16] is **GRANTED**. The Court further **ORDERS** that this matter be **DISMISSED WITH PREJUDICE** and **STRICKEN** from this Court's active docket.

Pursuant to Federal Rule of Civil Procedure 58, the Clerk is **DIRECTED** to enter a separate order of judgment in favor of the Defendant.

The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record herein.

DATED: October 20, 2016


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE