

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA**

Bryan D. v. Frank Bisignano, Commissioner of Social Security

Bryan D. · No. 2:24-cv-00667 · Decided January 30, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted the magistrate judge's Proposed Findings and Recommendation without objection. The court reversed the Commissioner of Social Security's decision, remanded the matter for further administrative proceedings under sentence four of 42 U.S.C. § 405(g), and dismissed the action from its docket.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION BRYAN D., Plaintiff, v. CIVIL ACTION NO. 2:24-cv-00667 FRANK BISIGNANO Commissioner of Social Security, Defendant. ORDER This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636.

On January 12, 2026, Judge Tinsley submitted his Proposed Findings & Recommendation ("PF&R") [ECF No. 12] and recommended that the court GRANT the claimant's request for remand [ECF No. 9], DENY the Commissioner's request to affirm the decision below [ECF No. 10], REVERSE the Commissioner's final decision, and REMAND this matter back to the Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

Neither party filed objections to the PF&R nor sought an extension of time. A district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This court is not, however, 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 are addressed.

Thomas vy. Arn, 474 U.S. 140, 150 (1985). Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court GRANTS the claimant's request for remand [ECF No. 8], DENIES the Commissioner's request to affirm the decision below [ECF No. 10], REVERSES the final decision of the Commissioner, REMANDS this action pursuant to sentence four of 42 U.S.C. §

405(g) for further administrative proceedings, and DISMISSES this action from the docket of the court.

The court DIRECTS the Clerk to send a copy of this Order to counsel of record and any unrepresented parties. ENTER: January 30, 2026 i: G Ce oe STATES DISTRICT JUDGE

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