

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Sherrie B. v. Frank Bisignano

Sherrie B. v. Bisignano, Civil Action No. 5:25-cv-00264 (S.D. W. Va. Apr. 17, 2026) · No. 5:25-cv-00264 ·
Decided April 17, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopts a magistrate judge’s PF&R in a Social Security action. The court denies the plaintiff’s request for judgment on the pleadings, grants the Commissioner’s request to affirm the decision, affirms the Commissioner’s decision, and dismisses the case after no objections were filed.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	April 17, 2026
DOCKET	5:25-cv-00264
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff sought judgment on the pleadings in an action seeking review of the Commissioner of Social Security's decision. A magistrate judge issued a PF&R recommending denial of Plaintiff's request, affirmance of the Commissioner's decision, dismissal, and removal from the docket. No objections were filed.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1), de novo review is required for portions of a magistrate judge's proposed findings and recommendation to which a specific objection is made. The court need not conduct de novo review of unobjected-to portions, and general and conclusory objections that do not identify a specific error do not require de novo review.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not established in the source metadata.

TOPICS

- motion for judgment on the pleadings
- judicial review of agency action
- administrative law
- civil procedure

PRACTICE AREAS

civil procedure

administrative law

Social Security judicial review

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's PF&R when no objections were filed.
2. Whether the PF&R should be adopted and the Commissioner's decision affirmed.
3. Whether Plaintiff's request for judgment on the pleadings should be denied.

HOLDINGS

1. The district court was not required to conduct de novo review of the factual or legal conclusions in the PF&R because Plaintiff filed no objections.
2. The court adopted the PF&R, affirmed the Commissioner's decision, dismissed the action, and removed it from the docket.
3. Plaintiff's request for judgment on the pleadings was denied.

KEY QUOTATIONS

"The Court need not 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."

"Accordingly, the Court ADOPTS the PF&R [Doe. 11], DENIES Plaintiff's request for judgment on the pleadings [Doc. 8], GRANTS Defendant's request to affirm the Commissioner's decision [Doc. 9], AFFIRMS the decision of the Commissioner, DISMISSES this matter, and REMOVES it from the docket."

FACTUAL BACKGROUND

The opinion concerns Plaintiff Sherrie B.'s request for judgment on the pleadings in an action challenging a decision of the Commissioner of Social Security. The magistrate judge recommended affirming the Commissioner's decision and denying Plaintiff's request. Plaintiff filed no objections to the PF&R by the March 27, 2026 deadline.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Joseph K. Reeder for proposed findings and a recommendation. The magistrate judge issued the PF&R on March 10, 2026. Because no objections were filed by the March 27, 2026 deadline, the district court adopted the PF&R, denied Plaintiff's request for judgment on the pleadings, granted Defendant's request to affirm, affirmed the Commissioner's decision, dismissed the action, and removed it from the docket.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)

OPINION

Booth

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

SHERRIE B.,

Plaintiff, v. CIVIL ACTION NO. 5:25-cv-00264

FRANK BISIGNANO,

Commissioner of Social Security, Defendant.

ORDER

Pending is Plaintiff Sherrie B.'s Request for Judgment on the Pleadings [Doc. 8], filed July 21, 2025. This action was previously referred to the Honorable Joseph K. Reeder, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Reeder filed his PF&R on March 10, 2026. Magistrate Judge Reeder recommended that the Court deny Plaintiff's request for judgment on the pleadings, grant Defendant's request to affirm the Commissioner's decision, affirm the Commissioner's decision, dismiss this action, and remove it from the docket. The Court need not 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. See *Thomas v. Arn*, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. See 28 U.S.C. § 636(b)(1); see also *United States v. De Leon- Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed

findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on March 27, 2026. No objections were filed. Accordingly, the Court ADOPTS the PF&R [Doe. 11], DENIES Plaintiff's request for judgment on the pleadings [Doc. 8], GRANTS Defendant's request to affirm the Commissioner's decision [Doc. 9], AFFIRMS the decision of the Commissioner, DISMISSES this matter, and REMOVES it from the docket. The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party. ENTER: April 17, 2026 ©: W. Volk “Tae” Chief United States District Judge