

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

**Frances Louise Cabell v. Frank Bisignano, Commissioner of Social
Security**

Cabell · No. 5:25-cv-00586 · Decided April 21, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopts a magistrate judge’s proposed findings and recommendation in a Social Security appeal. The court denies the plaintiff’s request to reverse the Commissioner’s decision, grants the Commissioner’s request to affirm, affirms the final decision, and dismisses the action after no objections were filed.

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA AT BECKLEY FRANCES LOUISE CABELL Plaintiff, v. CIVIL ACTION NO. 5:25-cv-00586 FRANK BISIGNANO, Commissioner of Social Security, Defendant. ORDER Pending is Plaintiff Frances Louise Cabell’s Brief in Support of Judgment on the Pleadings [ECF 9], filed January 22, 2026, seeking reversal of the decision of the Commissioner of Social Security (“the Commissioner”).

Also pending is the Commissioner’s Brief in Support of Judgment on the Pleadings [ECF 10], filed February 19, 2026, seeking to affirm the Commissioner’s decision. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Tinsley filed his PF&R on March 27, 2026.

[See ECF 12]. Magistrate Judge Tinsley recommended that the Court (1) deny Ms. Cabell’s request for Judgment on the Pleadings insofar as it requests reversal of the Commissioner’s decision, (2) grant the Commissioner’s request to affirm the decision, (3) affirm the final decision of the Commissioner, and (4) dismiss this action from the Court’s docket. [Id. at 18].

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, 149 (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 April 10, 2026. No objections were filed.

Accordingly, the Court ADOPTS the PF&R [ECF 12], DENIES Ms. Cabell's request for Judgment on the Pleadings insofar as it seeks reversal of the Commissioner's decision [ECF 9], GRANTS the Commissioner's request for Judgment on the Pleadings insofar as it seeks to affirm the Commissioner's decision [ECF 10], AFFIRMS the Commissioner's final decision, and DISMISSES this matter from the docket.

The Court directs the Clerk to transmit a copy of this Order to counsel of record and any unrepresented party. ENTER: April 21, 2026 Zand La Mame? Frank W. Volk aay Chief United States District Judge