

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**SALINAS ACOSTA WEAVER,**

**Plaintiff,**

**v.**

**1:16-cv-4550-WSD**

**U.S. SOCIAL SECURITY  
ADMINISTRATION,**

**Defendant.**

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**OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Janet F. King’s Final Report and Recommendation [12] (“Final R&R”) recommending the Court dismiss this action for want of prosecution. Plaintiff has not filed objections to the Final R&R.

**I. BACKGROUND**

A. Facts<sup>1</sup>

On December 13, 2016, Plaintiff filed his Complaint [3] claiming the “U.S. Social Security Administration did not deposit benefits to [Plaintiff] after found

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<sup>1</sup> The facts are taken from the R&R and the record. The parties have not objected to any specific facts in the R&R, and the Court finds no plain error in them. The Court thus adopts the facts set out in the R&R. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

permanently disabled.” (Compl. at 2). Plaintiff had allegedly received benefits since he was fifteen years old. (Id. at 3). On June 13, 2017, the Magistrate Judge issued a Show Cause Order [11] directing Plaintiff to show cause, within fourteen (14) days, why his case should not be dismissed for failure to prosecute under Local Rule 41.3(A)(3), NDGa. The Magistrate Judge warned Plaintiff that his failure to respond to the Show Cause Order would indicate that he is not interested in prosecuting his case and that it would result in a recommendation that this action be dismissed. Plaintiff failed to respond to the Show Cause Order.

On July 3, 2017, the Magistrate Judge issued her Final R&R, recommending the Court dismiss this action for Plaintiff’s failure to prosecute. Plaintiff did not respond to the R&R.<sup>2</sup>

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<sup>2</sup> On August 23, 2017, Plaintiff filed a document titled “Comply with the Court’s Order” [14]. The purpose and subject of the filing are unclear. In it, Plaintiff does not appear to object to either the Show Cause Order or the Final R&R. Plaintiff states he obtained a Wage and Income Transcript to file with the Court. Plaintiff provides no additional explanation or reasoning for the filing other than providing a litany of bizarre demands including a request for injunctive relief to intervene and assist the FBI and “disability relief to adjust the Interventionist who controlling [sic] my heart’s pacemaker and brain shunt-leads which causing my brain to induce sleeping and fainting.” ([14] at 2).

## II. DISCUSSION

### A. Legal Standard

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982) (per curiam). A district judge "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). Where, as here, no party has objected to the report and recommendation, the Court conducts only a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam).

### B. Analysis

Local Rule 41.3 authorizes the Court to dismiss a case for want of prosecution for failure to obey a lawful order of the Court. See LR 41.3(A)(2). Plaintiff failed to comply with the Show Cause Order after being warned that failure to comply would result in dismissal of this action. Accordingly, this action is dismissed pursuant to Local Rule 41.3(A)(2).


### III. CONCLUSION

For the foregoing reasons,

**IT IS HEREBY ORDERED** that Magistrate Judge Janet F. King's Final Report and Recommendation [12] is **ADOPTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED** pursuant to Local Rule 41.3(A)(2), NDGa.

**SO ORDERED** this 2nd day of October, 2017.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE