

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

JACK E. BOSTIC,

Plaintiff,

v.

CIVIL ACTION NO. 1:08-1179

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on May 19, 2009, in which he recommended that the court grant plaintiff's motion to dismiss, and dismiss this matter with prejudice.

In accordance with the provisions of 28 U.S.C. § 636(b), plaintiff was allotted ten days and three mailing days in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party filed any objections to the Magistrate Judge's Findings and Recommendations within the thirteen-day

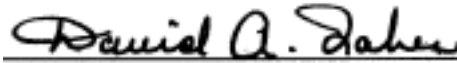
period. Accordingly, the court adopts the Findings and Recommendations of Magistrate Judge VanDervort as follows:

1. Plaintiff's motion for voluntary dismissal is **GRANTED;** and
2. This case is **DISMISSED** with prejudice.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record.

**IT IS SO ORDERED** this 19th of June, 2009.

ENTER:



---

David A. Faber  
Senior United States District Judge