

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

DOUGLAS MARTIN

PLAINTIFF

vs.

Civil No. 1:10-cv-01046

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before this Court is Plaintiff's Motion to Dismiss. ECF No. 6. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) (2005), the Honorable Harry F. Barnes referred this case to this Court for the purpose of making a report and recommendation. In accordance with that referral, this Court enters the following report and recommendation.

Plaintiff requests that his case be dismissed because the ALJ has awarded him benefits as a part of a separate application. ECF No. 6. Defendant does not oppose this Motion to Dismiss. ECF No. 7. Accordingly, this Court recommends that Plaintiff's unopposed Motion to Dismiss be **GRANTED**.

The parties have fourteen (14) days from receipt of this Report and Recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger *de novo* review by the district court. See *Thompson v. Nix*, 897 F.2d 356, 357 (8th Cir. 1990).

ENTERED this 1st day of November, 2010.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE