

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

CHRISTOPHER E. FRENCH

PLAINTIFF

v.

Case No. 1:14-CV-01009

CAROLYN CRAVEN Commissioner,
Social Security Administration

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed May 9, 2014, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 9). Judge Bryant recommends that Defendant's Motion to Dismiss (ECF No. 8) be granted. Plaintiff has responded with timely objections. (ECF No. 10). The Defendant has filed a Response to Plaintiff's objections. (ECF No. 14). The Court finds this matter ripe for its consideration.

Plaintiff seeks judicial review of a final decision of the Commissioner of the Social Security Administration, denying his application for Supplemental Social Security Income and a period of disability under the Act. The Commissioner noticed Plaintiff that his request for review was denied on November 29, 2013. (ECF No. 8). Plaintiff then had sixty days, or until February 3, 2014, to commence his civil action to review the final decision of the Commissioner. 42 U.S.C. § 405(g). Plaintiff untimely filed his complaint on February 10, 2014. (ECF No. 1).

Plaintiff argues that he timely prepared and mailed his Complaint on January 28, 2014, but that there was a delay either in the United States Postal Service or in the Federal District Court Clerk's office. However, the attorney assumes the risk that there may be a slight disruption of ordinary mail service which may delay filing. Hallgreen v. U.S. Dep't of Energy, 331 F.3d 588, 590 (8th Cir. 2003).

For the reasons stated herein, as well as those contained in the Report and Recommendation, the Court overrules Plaintiff's objections and adopts the Report and Recommendation in its entirety. (ECF No. 9). Accordingly, Defendant's Motion to Dismiss (ECF No. 8) is hereby GRANTED.

IT IS SO ORDERED, this 28th day of October, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge