

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

JOLENE HERN

PLAINTIFF

vs.

Civil No. 2:12-cv-02208

CAROLYN W. COLVIN
Commissioner, Social Security Administration

DEFENDANT

ORDER

Before the Court is Defendant's Motion for Involuntary Dismissal Alternatively, Motion to Show Cause. ECF No. 11. Defendant filed this Motion on June 25, 2013. *Id.* On July 30, 2013, United States Magistrate Judge Barry A. Bryant entered his Report and Recommendation (ECF No. 12) and recommended this Motion be granted and Plaintiff's case be dismissed. After the Report and Recommendation was entered, Plaintiff filed timely objections, and she requested her case not be dismissed because she is proceeding *pro se* and was unaware of the deadline for filing her appeal brief. ECF No. 13.

Thereafter, on August 13, 2013, Judge Bryant filed an Amended Report and Recommendation and recommended Defendant's Motion be denied and Plaintiff's case not be dismissed. ECF No. 14. Considering this Amended Report and Recommendation, the Court finds it should be adopted in its entirety. Thus, the Court **DENIES** Defendant's Motion for Involuntary Dismissal Alternatively, Motion to Show Cause. ECF No. 11. The Court declines to adopt the original Report and Recommendation entered by Judge Bryant (ECF No. 12) which recommended dismissal.

IT IS SO ORDERED THIS 5th DAY OF SEPTEMBER, 2013.

/s/ Robert T. Dawson
HON. ROBERT T. DAWSON
U.S. DISTRICT JUDGE