

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

NADINE MCCLELLAND

PLAINTIFF

vs.

Civil No. 5:09-cv-05255

MICHAEL J. ASTRUE  
Commissioner, Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

On May 24, 2010, Nadine McClelland (“Plaintiff”) filed this Motion To Dismiss. (Doc. No. 8). Through this motion, Plaintiff seeks to dismiss her Complaint which was filed on November 17, 2009. (Doc. No. 1). Defendant did not respond or file objections to this motion. The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (Doc. No. 6). Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Absent any pending counterclaims, a court is authorized to dismiss a case at the Plaintiff’s request on the terms that the court considers proper. FED. R. CIV. P. 41(a)(2). Defendant has asserted no counterclaims and has not objected to this motion. After taking into consideration said Motion, the Court finds the Plaintiff’s motion should be **GRANTED** and Plaintiff’s case be dismissed without prejudice.

**ENTERED this 8<sup>th</sup> day of June, 2010.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE