

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

MICHAEL C. CARTER,

Plaintiff,

vs.

CASE NO. 1:08CV150-MP/AK

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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REPORT AND RECOMMENDATION

Defendant moves to dismiss this complaint because the judicial review sought, pursuant to 42 U.S.C. § 405(g), is also being pursued in Case No. 1:06cv185-MP/AK. The earlier filed lawsuit is the proper case to proceed because that case had been remanded and consolidated with an earlier application and the present complaint is unnecessary.

Plaintiff has no objection to the motion to dismiss.

Accordingly, it is **RECOMMENDED** that Defendant's motion to dismiss (doc. 11) be **GRANTED**.

IN CHAMBERS at Gainesville, Florida, this 29th day of September, 2008.

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.