

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TAYSAUN SOLDRICH,

Appellant,

v.

1:12-cv-4373-WSD

**CAROLYN W. COLVIN,
Commissioner of Social Security,**

Respondent.

ORDER

This matter is before the Court on the Final Report and Recommendation (“R&R”) of Magistrate Judge E. Clayton Scofield [17] on Respondent Carolyn W. Colvin (“Respondent” or “Commissioner”)’s Motion to Dismiss [10].

On December 19, 2012, Appellant, proceeding *pro se*, filed this action appealing the final decision of the Commissioner of Social Security that Appellant was not disabled. Appellant sought leave to proceed *in forma pauperis*, which was granted by the Magistrate Judge. Among Appellant’s claims was a request for an order that would require the Commissioner to waive collection of an overpayment made to Appellant in the amount of \$29,360.00.

On March 13, 2013, Respondent moved for a partial dismissal of Appellant’s claims, arguing that Appellant had not yet exhausted all administrative

remedies. On April 14, 2013, Appellant submitted copies of letters sent to the Commissioner and other government agents, indicating a desire to voluntarily dismiss all claims asserted in this action. Noting that Appellant still has, at this early stage of the proceedings, the right to voluntarily dismiss this action, the Magistrate Judge recommended that the motion to dismiss be denied as moot and that this action be dismissed without prejudice. The Court agrees.

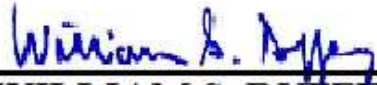
Accordingly, for the foregoing reasons,

IT IS HEREBY ORDERED that the Final Report and Recommendation of Magistrate Judge E. Clayton Scofield [17] is **ADOPTED**.

IT IS FURTHER ORDERED that Respondent Carolyn W. Colvin's Motion to Dismiss [10] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED THAT this action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 24th day of September, 2013.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE