

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

MCKINDLA B.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 23-cv-3153
)	
MARTIN O'MALLEY, Commissioner)	
of Social Security, ¹)	
)	
Defendant.)	

ORDER

COLLEEN R. LAWLESS, United States District Judge:

This is an action under 42 U.S.C. §§ 405(g) and 1383(c)(3) for judicial review of Defendant Commissioner of Social Security's (Commissioner's) decision denying Plaintiff McKindla B.'s application for Social Security benefits. After the pro se Plaintiff initially filed her complaint in state court, Defendant removed the case to this Court on April 25, 2023. (Doc. 1). Before the Court is Magistrate Judge Karen McNaught's October 30, 2024 Report and Recommendation, recommending that the case be Dismissed without prejudice for want of prosecution. (Doc. 7).

The Report and Recommendation provides that, on September 16, 2024, the Court entered a text order informing Plaintiff that her brief in support of her appeal had been due on July 26, 2023, and directing her to file a brief by October 16, 2024. (Doc. 7 at 1-2). The text order indicated that the failure to file a brief could result in dismissal. (Text Order

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Martin O'Malley is substituted for his predecessor.

of 9/16/2024). The docket reflects that the September 16, 2024, text order and the October 30, 2024, Report and Recommendation were mailed to Plaintiff at the address she provided on the summons [Doc. 1-1]. Plaintiff did not file a brief or any other pleading. More than fourteen days have elapsed since the filing of the Report and Recommendation, and no objections have been made. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1). Therefore, any objections to the Report and Recommendation have been waived and the Court will review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

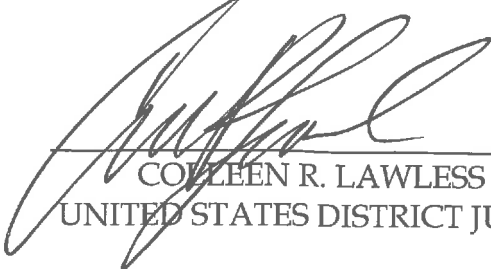
Upon reviewing the Report and Recommendation, the Court finds no clear error and concurs with the Magistrate Judge's recommendation to dismiss the case for want of prosecution because Plaintiff has failed to comply with the Court's orders to file a brief in support of her appeal. Accordingly, the Court adopts the Report and Recommendation. (Doc. 7).

IT IS ORDERED that this case is DISMISSED without prejudice for want of prosecution.

Pursuant to Rule 25(d), the Clerk shall substitute Martin O'Malley, Commissioner of Social Security, as Defendant.

The Clerk of the Court will enter judgment and terminate this case.

ENTER: November 22, 2024



COLLEEN R. LAWLESS
UNITED STATES DISTRICT JUDGE