

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**DENISE F. BARRIOS**

**CIVIL ACTION**

**VERSUS**

**NO: 09-5487-MLCF-SS**

**MICHAEL J. ASTRUE, COMMISSIONER  
OF SOCIAL SECURITY**

**REPORT AND RECOMMENDATION**

The plaintiff, Denise Barrois, filed a complaint for judicial review, pursuant to Section 405(g) of the Social Security Act (the "Act"), of the final decision of the Commissioner of the Social Security Administration (the "Commissioner") denying her claim for benefits. Rec. doc. 1. Ms. Barrois is proceeding without the assistance of counsel. The Commissioner filed an answer. Rec. doc. 9. Ms Barrois filed a motion to dismiss her complaint. She reports that she will file a new application for benefits. Rec. doc. 12.

**RECOMMENDATION**

IT IS RECOMMENDED that Ms. Barrois' motion to dismiss (Rec. doc. 12 be GRANTED and her complaint be dismissed with prejudice.

**OBJECTIONS**

A party's failure to file written objections to the proposed findings, conclusions and recommendations in a magistrate judge's report and recommendation within ten (10) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court,

provided that the party has been served with notice that such consequences will result from a failure to object. Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

New Orleans, Louisiana, this 9<sup>th</sup> day of February, 2010.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line that extends to the right.

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**SALLY SHUSHAN**  
**United States Magistrate Judge**