

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM GARCIA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 11-15499

Honorable Patrick J. Duggan

ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE

On December 15, 2011, William Garcia (“Plaintiff”) filed this *pro se* action pursuant to 42 U.S.C. § 405(g), seeking review of a decision of Defendant Commissioner of Social Security (“Commissioner”) with respect to his application for disability benefits. The matter has been referred to Magistrate Judge Charles E. Binder for all pretrial proceedings.

On May 3, 2012, Magistrate Judge Binder issued a Report and Recommendation (“R&R”) in which he noted that the Commissioner had moved to dismiss this action and that Plaintiff was directed to file a response by April 6, 2012. Magistrate Judge Binder noted that Plaintiff failed to file a response to the Commissioner’s motion. Magistrate Judge Binder further observed that items mailed to Plaintiff’s last known address have been returned as undeliverable, and that Plaintiff has not provided the Court with another mailing address. Magistrate Judge Binder recommends that this Court dismiss Plaintiff’s action *sua sponte* for lack of prosecution pursuant to Federal Rule of Civil Procedure

41(b). R&R 2-3.

At the conclusion of the R&R, Magistrate Judge Binder advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. R&R 3. He further advises that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). No objections to the R&R have been filed.

The Court has reviewed the R&R and concurs with the conclusion reached by Magistrate Judge Binder.

Accordingly,

IT IS ORDERED that this action is **DISMISSED** for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Magistrate Judge Charles E. Binder
Theresa M. Urbanic, A.U.S.A.

William Garcia
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