

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Christina Haudek,

Plaintiff,

v.

Case No. 13-13006

Commissioner of Social Security,

Honorable Sean F. Cox

Magistrate Judge R. Steven Whalen

Defendant.

ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

On July 12, 2013, Plaintiff Christina Haudek (“Plaintiff”) filed this Social Security Disability appeal pursuant to 42 U.S.C. section 405(g). (Doc. #1) A summons for Defendant Commissioner of Social Security (“CSS”) was issued on July 22, 2013 (Doc. #5). Although 120 days have lapsed since the summons was issued, Plaintiff has not filed a proof of service showing that proper service has been effectuated upon CSS.

On November 21, 2013, Magistrate Judge R. Steven Whalen issued an Order for Plaintiff to Show Cause why her action should not be dismissed for failure to effectuate service. (Doc. #6). Plaintiff has failed to respond to Magistrate Judge Whalen’s show cause order, and the time for doing so has passed. Thus, on June 12, 2014, Magistrate Judge Whalen issued a Report and Recommendation (“R&R”) recommending that this Court dismiss without prejudice Plaintiff’s action for failure to timely serve Defendant with process. (June 12, 2014 R&R, Doc. #7 at p. 2-3).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being

served with a copy of the R&R. FED. R. CIV. P. 72(b)(2). “The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3).

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. Furthermore, the Court agrees with the Magistrate Judge’s recommendation. Therefore, the Court hereby ADOPTS the June 12, 2014 R&R. IT IS ORDERED that Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: July 7, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 7, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager