

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSETTA R. FERGUSON,

Plaintiff,

CASE NO. 14-13230
HON. MARIANNE O. BATTANI

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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**OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING ACTION FOR FAILURE TO PROSECUTE**

Plaintiff Rosetta Ferguson filed this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying her application for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act. In a Decision dated November 19, 2010, the Administrative Law Judge concluded that Plaintiff was not disabled.

Plaintiff failed to file a request for review within the sixty day period, and the Appeals Council denied her untimely request for review in December 2011. Plaintiff filed this action on August 20, 2014. She failed to respond to Defendant's Motion to Dismiss, as ordered. Plaintiff also failed to respond to an order to show cause why the case should not be dismissed for failure to prosecute.

In a Report and Recommendation ("R&R") dated March 4, 2015, Magistrate Judge Anthony P. Patti recommended that the Court dismiss this action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). In his R&R, the Magistrate Judge informed the parties

that objections to the Report and Recommendation needed to be filed “within 14 days of service” and that a party’s failure to file objections would waive any further right of appeal. (Doc. No. 17 at 4). Neither party filed an objection. Moreover, this Court agrees with the analysis contained in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge’s recommendation, and **DISMISSES** Plaintiff’s complaint for failure to prosecute.

IT IS SO ORDERED.

Date: March 24, 2015

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court’s ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on March 24, 2015.

s/ Kay Doaks
Case Manager