

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TERRY L. MCDANIEL,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

---

Case No. 15-12507

Paul D. Borman  
United States District Judge

Anthony P. Patti  
United States Magistrate Judge

ORDER ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION  
(ECF NO. 26) AND DENYING AS MOOT DEFENDANT'S MOTION TO DISMISS  
FOR FAILURE TO PROSECUTE (ECF NO. 16)

Before the Court is Magistrate Judge Anthony P. Patti's August 23, 2016 Report and Recommendation regarding Defendant's Motion to Dismiss for Failure to Prosecute. (Report and Recommendation, ECF No. 26.) As set forth in the Report and Recommendation, the Magistrate Judge recommends that this Court deny as moot Defendant's Motion to Dismiss based on the subsequent filings in this matter which include the appearance of counsel on Plaintiff's behalf, a request for an extension of time, and the fact Plaintiff has since filed a motion for summary judgment.

Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court ADOPTS the Report and Recommendation (ECF No. 26) and DENIES AS MOOT

Defendant's Motion to Dismiss for Failure to Prosecute (ECF No. 16).

IT IS SO ORDERED.

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: September 12, 2016

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 12, 2016.

s/Deborah Tofil  
Case Manager