

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

RACHEL GILBERT

PLAINTIFF

vs.

CIVIL ACTION NO. 3:14-CV-9-HTW-LRA

CAROLYN W. COLVIN, COMMISSIONER  
OF SOCIAL SECURITY

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter comes on pursuant to the Report and Recommendations of United States Magistrate Judge Linda R. Anderson [docket no. 14] and the Supplemental Report and Recommendations of United States Magistrate Judge Linda R. Anderson [docket no. 16]. Plaintiff has filed no objection. Based upon the evidence in the Report and Recommendation, this court hereby adopts the Report and Recommendation of the United States Magistrate Judge as the order of this court. The plaintiff's action is dismissed without prejudice for failure to prosecute. Although the Magistrate Judge recommended dismissal "with prejudice," this court declines to utilize that harsh sanction in response to Rachel Gilbert's failure to prosecute, particularly in light of Rachel Gilbert's professed mental disability. This court will enter a final judgment in accordance with the local rules.

**SO ORDERED AND ADJUDGED, this the 31<sup>st</sup> day of July, 2015.**

s/ HENRY T. WINGATE  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE