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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARY ANN CUFFE,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security Administration,

Defendants.

Case No. 3:15-cv-00089-RCJ-WGC

**REPORT & RECOMMENDATION OF
U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff initiated this action by filing an application for leave to proceed in forma pauperis and proposed complaint seeking review of the disability benefits determination of the Social Security Administration. (ECF Nos. 1, 1-2.) The undersigned issued an order denying the application for leave to proceed in forma pauperis because Plaintiff's application admitted that she had funds sufficient to pay the filing fee and was not entitled to in forma pauperis status. (ECF No. 2.) The court ordered her to pay the filing fee within thirty days or face dismissal of her case. Instead of paying the filing fee, Plaintiff's counsel filed a motion to dismiss the action under Rule 41, noting that Plaintiff had signed a statement requesting to withdraw the complaint. (ECF No. 3.)

The undersigned recommends that the motion (ECF No. 3) be granted, and that this action be dismissed and the case closed.

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RECOMMENDATION

IT IS HEREBY RECOMMENDED that the District Judge enter an order **GRANTING** Plaintiff's motion (ECF No. 3), dismissing this action and closing the case.

The parties should be aware of the following:

1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

DATED: October 24, 2017.

William G. Cobb

WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE