

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Levern Holmes,	)	C/A No.: 0:13-1198-JFA-PJG
	)	
Plaintiff,	)	
vs.	)	ORDER
	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
_____	)	

The plaintiff, Levern Holmes, brings this action through counsel pursuant to § 405(g) of the Social Security Act, as amended, to obtain judicial review of the final decision by the Commissioner of Social Security denying plaintiff’s claim for disability insurance benefits (DIB) and Supplemental Security Income (SSI).

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein she suggests that the complaint should be dismissed because the plaintiff has failed to prosecute this action. Specifically, the plaintiff has failed to file proof of service on the defendant. The Magistrate Judge issued an order to show cause and granted the plaintiff an additional seven days to show cause for the failure to effect service and issued a warning that her case could be dismissed for failure to prosecute. However, the plaintiff

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<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

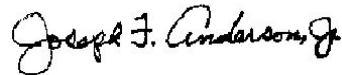
did not respond.

The plaintiff was also advised of her right to submit objections to the Report and Recommendation which was filed on October 22, 2013. She did not file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the Magistrate Judge's Report, this court finds the Report is proper and it is incorporated herein by reference. Accordingly, this action is dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

November 13, 2013  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge