

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

Jerry Gadson; Sheila Gadson,)	C/A No.: 3:09-242-JFA-JRM
)	
Plaintiffs,)	
v.)	ORDER OF DISMISSAL
)	
Social Security Administration,)	
)	
Defendant.)	
_____)	

This matter is before the court as a result of the plaintiff's failure to comply with the Magistrate Judge's order of May 18, 2009.

A review of the record indicates that the Magistrate Judge assigned to this case¹ issued an order directing that the plaintiffs advise the court whether they wished to continue with this action and file a response to the defendant's motion to dismiss. The plaintiffs did not respond to the order or motion.

On June 11, 2009, the Magistrate Judge issued a Report and Recommendation suggesting that this action be dismissed with prejudice for failure to prosecute and that the criteria have been met for dismissal under *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919 (4th Cir. 1982). The plaintiffs were apprised of their right to file objections to the Report,

¹ 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).

yet they have failed to do so. It thus appears that plaintiffs wish to abandon their complaint.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is dismissed with prejudice for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

July 2, 2009
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive style.

Joseph F. Anderson, Jr.
United States District Judge