

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Erica Lynn McComas,)	C/A No. 5:13-1349-JFA-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Carolyn W. Colvin, Commissioner of Social)	
Security Administration,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Erica Lynn McComas, filed this action on May 17, 2013 for judicial review of the Commissioner’s decision to deny her disability insurance benefits. On June 5, 2013, the Magistrate Judge assigned to this action¹ issued an order directing the plaintiff to bring her case into proper form by July 1, 2013, including a request that she answer special interrogatories for the court. The plaintiff complied and the Magistrate Judge directed service of the complaint on September 9, 2013. The Commissioner thereafter filed an answer to the complaint.

On March 4, 2014, the Magistrate Judge issued an order directing the plaintiff to file, no later than March 18, 2014, a brief in support of her appeal of the Commissioner’s decision. Upon not receiving a response from the plaintiff, the Magistrate Judge prepared

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 and Recommendation 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. *See* 28 U.S.C. § 636(b)(1).

a Report and Recommendation opining that the complaint should be dismissed for failure to prosecute, in accordance with Fed. R. Civ. P. Rule 41(b).


In her timely objections to the Report, the plaintiff explains that her father suffered a heart attack in January 2014 and that she has not been in good health herself. She requests that the court not dismiss her action.

The court has carefully reviewed the record, the applicable law, the Report and Recommendation, and the plaintiff's objections thereto. Finding good cause for the plaintiff's request not to dismiss this action, the court declines to adopt the Magistrate Judge's recommendation and directs the Clerk to forward the file to the Magistrate Judge for further proceedings.

As directed by the Magistrate Judge, the plaintiff must file a brief in support of her appeal on or before May 15, 2014. No further extensions will be granted. Failure to comply with this deadline will result in a dismissal of the plaintiff's action.

IT IS SO ORDERED.

April 21, 2014
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge