Marcelino v. Social Security Administration, Commissioner of Doc. 14

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RICARDO A. MARCELINO,	)	
	)	Case No. 3:16-cv-465
Plaintiff,	)	
	)	Judge Travis R. McDonough
v.	)	
	)	Magistrate Judge H. Bruce Guyton
CAROLYN W. COLVIN, Commissioner of the Social Security Administration,	)	
	)	
Defendant.	)	

ORDER

On April 17, 2017, United States Magistrate Judge H. Bruce Guyton filed his Report and Recommendation (Doc. 13) pursuant to 28 U.S.C. § 636(b)(1). Magistrate Judge Guyton recommended that Plaintiff's complaint be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b), based on Plaintiff's failure to meet deadlines imposed by the Court and failure to respond to the Court's order to show cause. (Doc. 13.)

Neither party has filed any objections to Magistrate Judge Guyton's Report and Recommendation.[1] Nevertheless, the Court has conducted a reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Guyton's well reasoned conclusions.

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[1] Magistrate Judge Guyton specifically advised Plaintiff that he had fourteen days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 13, at 4 n.2); *see* Fed. R. Civ. P. 72(b)(2); *see also Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings"). Even taking into account the three additional days for service provided by Federal Rule of Civil Procedure 6(d), the period in which Plaintiff could timely file any objections has now expired.

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Accordingly, the Court will **ACCEPT** and **ADOPT** Magistrate Judge Guyton's Report and Recommendations (Doc. 13) and will **DISMISS** this case **WITHOUT PREJUDICE** for failure to prosecute.

SO ORDERED.

/s/ Travis R. McDonough
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE