

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

KELLY MILLEN,)	
)	
Plaintiff,)	
)	
v.)	No. 15-2032
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court is the Magistrate Judge’s August 25, 2015 Report and Recommendation (the “Report”) recommending that the Court dismiss Plaintiff’s complaint for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Rep., ECF No. 11.) The Plaintiff has not filed any objection to the Report and the time to do so has passed. For the following reasons, the Magistrate Judge’s Report is ADOPTED and the case is DISMISSED.

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App’x 308, 310 (6th Cir. 2003). “A district

judge must determine de novo any part of a magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). After reviewing the evidence, the court is free to accept, reject, or modify the proposed findings or recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C). The district court is not required to review – under a de novo or any other standard – those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. Id. at 151.

The Magistrate Judge finds that Plaintiff failed to file her brief by June 6, 2015, in violation of the May 7, 2015 Administrative Track Scheduling Order. (Rep., ECF No. 11 at 1; Sched. Order, ECF No. 9.) On June 22, 2015, Plaintiff was ordered to show cause within 30 days why the case should not be dismissed for failure to prosecute pursuant to Rule 41(b). (Order, ECF No. 10.) Plaintiff has failed to respond to that order.

The Magistrate Judge recommends on these grounds that Plaintiff's complaint be dismissed for failure to prosecute pursuant to Rule 41(b). The Report further states that any objections must be filed within fourteen (14) days after service of the Report. (Rep., ECF No. 11.); see also 28 U.S.C. §

636(b)(1)(C) ("Within fourteen days after being served with a copy [of the Magistrate Judge's Report], any party may serve and file written objections to such proposed findings and recommendations as provided by the rules of the court.").

Because no party has objected, Arn counsels the Court to adopt the Report in its entirety. Arn, 474 U.S. at 151. Adopting the Report is consistent with the policies underlying § 636, specifically judicial economy and protecting against the "functions of the district court [being] effectively duplicated as both the magistrate and the district court perform identical tasks." Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991).

For the foregoing reasons, the Magistrate Judge's Report is ADOPTED and the case is DISMISSED.

So ordered this 9th day of September, 2015.

/s Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE