

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

NORMAN LESTER,

Plaintiff,

v.

Civil Action No. 2:11-00431

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation ("PF&R") pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

The court has reviewed the PF&R entered on August 4, 2011. The magistrate judge recommends dismissal of this matter without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The plaintiff has not objected to the PF&R.<sup>1</sup> Following a de novo review, the court concludes that the recommended

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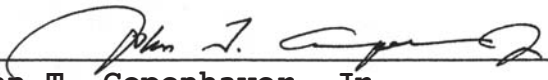
<sup>1</sup> On August 19, 2011, the PF&R sent to plaintiff was returned as undeliverable. The magistrate judge thereafter obtained plaintiff's new mailing address and directed that the PF&R be forwarded to that address. In light of these events, the court, by order entered August 24, 2011, extended the deadline for filing objections to the PF&R to September 13, 2011. Plaintiff did not object to the PF&R by that date.

disposition is correct.

Pursuant to the foregoing discussion, it is ORDERED that the PF&R be, and it hereby is, adopted by the court and incorporated herein. It is further ORDERED that this action be, and it hereby is, dismissed without prejudice.

The Clerk is directed to forward copies of this written opinion and order to the United States Magistrate Judge, all counsel of record, and the pro se plaintiff.

DATED: September 19, 2011

  
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John T. Copenhaver, Jr.  
United States District Judge