IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG

ROBERT D. REYNOLDS,

Plaintiff,

v. **CIVIL ACTION NO. 1:04CV227**
(BROADWATER)

JO ANNE B. BARNHART,
Commissioner, Social Security
Administration,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaull, dated May 4, 2005. On April 12, 2005, Plaintiff's counsel filed a Motion to Dismiss (Docket No. 11) the action. Defendant did not file a response to the Motion.

The Court, after reviewing the above, is of the opinion that the Magistrate Judge's Report and Recommendation **(Docket No. 12)** should be and is hereby **ORDERED** adopted.

The Court, therefore, **ORDERS** that the plaintiff's motion to dismiss **(Docket No. 11)** be **GRANTED**. It is further **ORDERED** that this action be **DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation, and **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 27th day of May 2005.

W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE