

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

VICKIE LYNN COURTWRIGHT,

Plaintiff,

v.

CIVIL ACTION NO. 1:11CV92
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. §636(b)(1)(B), Fed. R. Civ. P. 72(b) and Local Court Rule 4.01(d), on June 7, 2011, the Court referred this Social Security action to United States Magistrate Judge John S. Kaul with directions to submit proposed findings of fact and a recommendation for disposition.

On October 17, 2011, Magistrate Judge Kaul ordered Vickie Lynn Courtwright ("Courtwright"), the pro se plaintiff to show cause on or before November 18, 2011 for her failure to timely file her Motion for Summary Judgment and Memorandum in Support in compliance with Local Court Rule 9.02(c). On October 21, 2011, Courtwright accepted service of Magistrate Judge Kaul's order and signed the return receipt (dkt. no. 14). As of this date, Courtwright has failed to respond to the show cause order.

On November 29, 2011, Magistrate Judge Kaul filed his Report and Recommendation ("R&R") recommending that this civil action be dismissed with prejudice for failure to prosecute and directed the

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parties, in accordance with 28 U.S.C. §636(b)(1) and Fed. R. Civ. P. 6(e), to file written objections, if any, with the Clerk of Court within fourteen (14) days after being served with a copy of the R&R. He further directed the parties that failure to file objections would result in a waiver of the right to appeal from the judgment of this Court. The parties did not file any objections.

Upon consideration of Magistrate Judge Kaul's recommendation and having received no written objections,¹ the Court accepts the R&R and **ORDERS** that Magistrate Judge Kaul's R&R is accepted in whole and this civil action is **DISMISSED WITH PREJUDICE** for failure to prosecute and **RETIRED** from the docket of this Court.

Pursuant to Fed.R.Civ.P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record.

DATED: December 20, 2011.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ Courtwright's failure to object to the Report and Recommendation not only waives her appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).