

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
JOSEPH E. BROWN,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 17-345 WES
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

ORDER

WILLIAM E. SMITH, Chief Judge.

In a Report and Recommendation ("R&R") filed on April 9, 2018 (ECF No. 17), Magistrate Judge Lincoln D. Almond recommended that the Court dismiss this action without prejudice because Plaintiff has neither complied with the Court's scheduling order nor diligently prosecuted this action. After reviewing the R&R and the relevant papers, and having heard no objections, the Court ACCEPTS the R&R and adopts its recommendations and reasoning.

Accordingly, this action is DISMISSED without prejudice.

IT IS SO ORDERED.



William E. Smith
Chief Judge
Date: April 26, 2018

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JOSEPH E. BROWN

v.

NANCY BERRYHILL, Acting Director,
Social Security Administration

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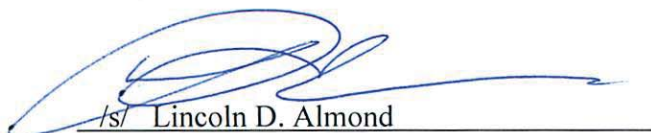
C.A. No. 17-00345-WES

REPORT AND RECOMMENDATION

This is an appeal of a decision denying Social Security “SSI” disability benefits. Plaintiff filed this appeal on July 26, 2017 and is proceeding pro se. Defendant has answered and filed the Administrative Record. On March 1, 2018, the case was referred to me for a report and recommendation.

Pursuant to that referral, a standard scheduling order was issued requiring Plaintiff to file his Motion to Modify, Reverse or Remand the Decision of the Commissioner by April 2, 2018. To date, Plaintiff has neither filed such a motion nor requested an extension of the filing deadline. Accordingly, I recommend that this action be DISMISSED without prejudice due to Plaintiff’s failure to comply with the Court’s Scheduling Order and failure to diligently prosecute this action.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within fourteen days of its receipt. See Fed. R. Civ. P. 72(b); LR Cv 72. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court’s decision. See *United States v. Valencia-Copete*, 792 F.2d 4, 6 (1st Cir. 1986); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603, 605 (1st Cir. 1980).



/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
April 9, 2018