

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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|--|---|--------------------|
| KENNETH J., | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | C.A. No. 21-470MSM |
| | : | |
| KILOLO KIJAKAZI, | : | |
| Acting Commissioner of the Social Security | : | |
| Administration, | : | |
| Defendant. | : | |

REPORT AND RECOMMENDATION

Patricia A. Sullivan, United States Magistrate Judge.

The above-captioned case was filed on November 29, 2021, and was referred to me for report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) on March 14, 2022. I issued a social security scheduling order on March 14, 2022, ordering Plaintiff to file a motion to modify, reverse or remand the decision of the Commissioner by April 13, 2022. ECF No. 10. Plaintiff filed a motion for extension of time (ECF No. 11) on April 11, 2022, which I granted by text order on April 12, 2022, setting his new deadline as May 11, 2022. Text Order of Apr. 12, 2022. On May 13, 2022, Plaintiff filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 41(a)(1) (ECF No. 12), which has been referred to me. Counsel for Defendant Kilolo Kijakazi has indicated that she has no objection to the motion being granted.

Based on the foregoing, in the absence of objection, I recommend that the motion to dismiss (ECF No. 12) be GRANTED and this case be dismissed without prejudice and without costs. Any objection to this report and recommendation must be specific and must be served and filed with the Clerk of the Court within fourteen (14) days of its receipt. See Fed. R. Civ. P. 72(b)(2); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision.

See United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
May 17, 2022