

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

BRENDA KAYE DAVIS,

Plaintiff,

:

Case No. 3:07-cv-273

-vs-

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

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COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**REPORT AND RECOMMENDATIONS**

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Under this Court's General Order for processing Social Security disability appeals, plaintiffs are required to file a statement of specific errors, setting forth the claims they are making of error on the Commissioner's part, accompanied by citations to the administrative record. Plaintiff Brenda Davis failed to do so within the time allowed by the General Order, so on December 5, 2007, the Court ordered her to show cause by December 21, 2007, why the case should not be dismissed for want of prosecution. As an alternative, she was permitted to file her statement of specific errors by that date (Order to Show Cause, Doc. No. 6).

As of the date of this Report, Plaintiff has made no response to the Order to Show Cause. It is therefore respectfully recommended that this case be dismissed without prejudice for lack of prosecution.

December 28, 2007.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge

**NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *United States v. Walters*, 638 F. 2d 947 (6<sup>th</sup> Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).