

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

CHARLENE R. SMOOT,

Plaintiff,

Vs.

No. 05-4075-SAC

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

MEMORANDUM AND ORDER

The court referred this administrative appeal to the United States Magistrate Judge for report and recommendation. The Magistrate Judge filed a report and recommendation on March 28, 2006, clearly stating the parties' right to file written objections to the recommendation within ten days. Ten days have passed and no written objections have been filed in accordance with 28 U.S.C. § 636(b)(1). The report and recommendation notifies the parties that "[f]ailure to timely file objections with the court will be deemed a waiver of appellate review." Dk. 22, p. 23.

Based upon the court's review of the report and recommendation and the absence of any filed objections, the court accepts the report and

recommendation and adopts it as the ruling of this court, reversing and remanding this case pursuant to sentence four for further proceedings.

IT IS SO ORDERED.

Dated this 18th day of April, 2006, Topeka, Kansas.

s/ Sam A. Crow

Sam A. Crow, U.S. District Senior Judge