

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

KEVIN POLLINS

PLAINTIFF

vs.

Civil No. 6:15-cv-06005

CAROLYN W. COLVIN
Commissioner, Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Before the Court is Plaintiff's *pro se* Complaint. ECF No. 1. The Parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 4.¹ Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Plaintiff filed his Complaint on January 5, 2015. Thereafter, Defendant answered (ECF No. 15), and the transcript in this action was also filed. On May 5, 2015, the Court entered a social security scheduling order clearly Plaintiff to file an appeal brief by June 4, 2015. In the scheduling order, the Court noted that "**Plaintiff's failure to file a timely brief may result in dismissal for failure to prosecute.**" Despite this deadline and this warning, Plaintiff did not timely file an appeal brief.

Thereafter, on June 9, 2015, the Court entered a show cause order directing Plaintiff to show cause for his failure to timely file an appeal brief in this matter. ECF No. 16. In this order, the Court directed Plaintiff to respond within fourteen (14) days. *Id.* In a letter addressed to this Court and

¹ The docket numbers for this case are referenced by the designation "ECF No. ____" The transcript pages for this case are referenced by the designation "Tr."

dated June 11, 2015, (ECF No. 17), Plaintiff responded as follows:

To Whom It May Concern:

As stated in the February 11, 2015 Summons in a civil action “If you “Social Security Administration Commissioner” fail to respond, judgment by default will be entered against you for the relief demanded in the legal complaint.” I beg you Judge Bryant please grant me my SSI benefits I have special needs, earned 25 work credits earned them March 2004, Dr. Vermont doctor orders I have a physical impairment EDS Ehlers Danios Syndrome and taking anti inflammation medicine I’m unemployed I have financial need I deserve to have a future immediate service is needed the anti discrimination bill passed I’m within my rights.

Although a *pro se* litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers, Plaintiff’s correspondence fails to even remotely be considered a brief that identifies specific points for appeal.

Accordingly, consistent with the directive of this scheduling order, the Court **DISMISSES** Plaintiff’s Complaint without prejudice for failure to comply with an order of the Court, failure to timely file his appeal brief, and failure to prosecute this action.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

ENTERED this 20th day of July 2015.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE