

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RICHARD K.,)	
)	
Plaintiff,)	
)	
v.)	1:18-cv-00145-JDL
)	
)	
SOCIAL SECURITY ADMINISTRATION)	
COMMISSIONER,)	
)	
Defendant)	

**RECOMMENDED DECISION TO
DISMISS COMPLAINT FOR FAILURE TO PROSECUTE**

Plaintiff commenced this action with the filing of the complaint on April 2, 2018. (ECF No. 1.) After Defendant answered the complaint and filed the Administrative Record, the Court issued a Procedural Order that required Plaintiff to file an itemized statement of specific errors and fact sheet within 30 days of the filings (August 6, 2018) (ECF No. 13.)

Because Plaintiff failed to file the statement of errors and fact sheet in accordance with the Court’s Procedural Orders, on August 16, 2018, the Court ordered Plaintiff to show good cause in writing on or before August 30, 2018, as to why this action should not be dismissed given Plaintiff’s failure to file the itemized statement of errors and fact sheet. (ECF No. 15.) Plaintiff did not respond to the Show Cause Order.

Discussion

“A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte for any of the reasons prescribed in Fed. R. Civ. P. 41(b).”

Cintron-Lorenzo v. Dep't de Asumtos del Consumidor, 312 F.3d 522, 526 (1st Cir. 2002) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629 – 31 (1962)). Federal Rule of Civil Procedure 41(b) authorizes the Court to dismiss an action for a party's failure to prosecute and failure to comply with the Court's orders.

In this case, Plaintiff has failed to comply with the Procedural Order, failed to respond to the Court's Show Cause Order, and has not filed a pleading with the Court or otherwise communicated with the Court since he filed the complaint on April 2, 2018. Under the circumstances, Plaintiff has failed to prosecute the claim, and dismissal is warranted.

Conclusion

Based on the foregoing analysis, I recommend the Court dismiss Plaintiff's complaint without prejudice.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court's order.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 5th day of September, 2018.