

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SANDRA BAILEY	:	CIVIL ACTION
	:	
v.	:	
	:	
KILOLO KIJAKAZI	:	NO: 21-2032

**MEMORANDUM - ORDER**

On May 3, 2021, Plaintiff, through her attorney, initiated this action, which seeks judicial review of the Social Security Commissioner's denial of Plaintiff's application for disability benefits. When filing the complaint, Plaintiff's attorney failed to provide an email address. On May 3, 2021, the Clerk of Court sent the required form for Plaintiff to consent or decline consent for the undersigned to exercise jurisdiction. Plaintiff failed to return the form by the deadline. On June 8, 2021, the court informed counsel that she had 14 days to consent or decline consent, or else consent would be deemed. No response was received and, on June 28, 2021, the court deemed consent based upon counsel's inaction.

On September 23, 2021, the Commissioner filed the administrative record. After the 45 day period to file Plaintiff's request for review passed, Plaintiff had failed to file a request for review. The court attempted to and, eventually, was able to contact Plaintiff's attorney and inform her of the need to provide an email address, her failure to file a timely request for review, and the need to file the request for review or a motion for extension of time. After several days passed and the attorney failed to file anything, on November 30, 2021, the court set a new deadline of December 21, 2021 for Plaintiff to file her request for review; the order informed Plaintiff that failure to comply with the deadline could result in dismissal for failure to prosecute.

On December 21, 2021, Plaintiff filed a document titled a complaint, not a request for

review. On January 3, 2022, the court informed Plaintiff that the document she had filed was woefully inadequate<sup>1</sup> to serve as a request for review and the court established a new deadline of February 15, 2022.

On February 15, 2022, Plaintiff, through her attorney, requested a three-day extension to file her request for review. On February 16, 2022, the court granted Plaintiff's motion and set the new deadline as February 18, 2022; the order again informed Plaintiff that failure to comply with the deadline could result in dismissal for failure to prosecute.

To date, Plaintiff has not filed her request for review or a motion for extension of time. In light of Plaintiff's record of dilatoriness and neglect, the court concludes that sufficient leniency has been shown to Plaintiff and her attorney. Plaintiff and her attorney have abused the court's leniency and it is appropriate to dismiss this case.

**AND NOW**, this 28<sup>th</sup> day of February 2022, it is hereby **ORDERED** that this case is **DISMISSED**, pursuant to Fed. R. Civ. P. 41(b), for Plaintiff's repeated failure to comply with the court's ordered deadlines and failure to prosecute. The Clerk of Court shall **CLOSE** this case for statistical purposes.

**BY THE COURT:**

/s/ Carol Sandra Moore Wells  
CAROL SANDRA MOORE WELLS  
United States Magistrate Judge

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<sup>1</sup> The court noted that the document failed to provide any argument to challenge the Commissioner's decision and failed to cite the administrative record.