IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

JOHN WILLIAM WORTHINGTON,)	
Plaintiff,)	
*)	
v.)	CIVIL ACTION NO. 2:09cv614-CSC
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

On June 30, 2009, the plaintiff filed suit in this court pursuant to 42 U.S.C. § 405(g) seeking judicial review of a decision by the Commissioner of Social Security denying him disability benefits. On July 2, 2009, the court entered a scheduling order directing the plaintiff to file a brief within forty (40) days after the defendant filed his answer. *See* Doc. # 3. Pursuant to 28 U.S.C. § 636(c)(1) and M.D. Ala. LR 73.1, the parties have consented to the United States Magistrate Judge conducting all proceedings in this case and ordering the entry of final judgment.

Pursuant to the court's scheduling order (doc. # 3), the defendant filed an answer on October 1, 2009. *See* Doc. # 9. The plaintiff's brief was due on November 10, 2009. To date, the plaintiff has not filed a brief. On February 16, 2010, the court entered an order requiring the plaintiff to show cause why this case should not be dismissed for want of prosecution for failing to file a brief in accordance with the court's previous orders. *See* Doc. # 12. The plaintiff has filed nothing in response to the order of the court. The plaintiff has

failed to comply with the orders of this court and has failed to show cause for his

noncompliance. The court therefore concludes that the plaintiff no longer wishes to

prosecute this case.

Accordingly, it is

ORDERED AND ADJUDGED that this case be and is hereby DISMISSED because

of the plaintiff's failure to comply with the orders of this court and failure to prosecute this

action.

It is further

ORDERED that the costs of this proceeding be and are hereby taxed against the

plaintiff.

Done this 19th day of March, 2010.

/s/Charles S. Coody

CHARLES S. COODY

UNITED STATES MAGISTRATE JUDGE