

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**HAROLD BAILEY,
Plaintiff,**

v.

**MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,
Defendant.**

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Case No. 3:12-cv-017-JJV

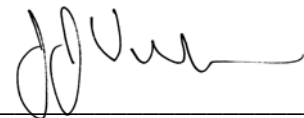
ORDER

Before the Court is Defendant's Motion to Dismiss (Doc. No. 6). Plaintiff has not responded to the Motion.

On November 16, 2011, the Appeals Council denied Plaintiff's request for review of the administrative law judge's decision. The Appeals Council's Notice informed Plaintiff that he would have to file a Complaint within 60 days after he received the Appeals Council's Notice, and that the Social Security Administration assumes Plaintiff received the Notice 5 days after the date on the Notice. Thus, based on the November 16, 2011, date on the Appeals Council's Notice, Plaintiff must have commenced his civil action on or before January 20, 2012. Instead, Plaintiff filed his instant Complaint on January 23, 2012.

Accordingly, Plaintiff filed his Complaint late, and the Court must dismiss the Complaint as untimely.

SO ORDERED this 6th day of March, 2012.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE