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

KIARA SMITH,	*	
	*	
Plaintiff,	*	
vs.	*	
	*	
CAROLYN W. COLVIN, Acting	*	No. 3:13CV00029-SWW-JJV
Commissioner, Social Security	*	
Administration,	*	
	*	
Defendant.	*	

PROPOSED FINDINGS AND RECOMMENDATIONS

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge Susan Webber Wright. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in a waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a new hearing for this purpose before either the District Judge or Magistrate Judge, you must, at the time you file your written objections, include the following:

1.   Why the record made before the Magistrate Judge is inadequate.

2.   Why the evidence to be proffered at the new hearing (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.

3.   The details of any testimony desired to be introduced at the new hearing in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the new hearing.

From this submission, the District Judge will determine the necessity for an additional

evidentiary hearing. Mail your objections and "Statement of Necessity" to:

> Clerk, United States District Court
> Eastern District of Arkansas
> 600 West Capitol Avenue, Suite A149
> Little Rock, AR 72201-3325

DISPOSITION

I.   BACKGROUND

Mr. Kiara Smith filed his *pro se* Complaint (Doc. No. 1) against the Social Security Administration and others on January 30, 2013. Upon his Motion (Doc. No. 5), Summons were served by the Clerk (Doc. No. 6). Defendants Bartels and Turner were dismissed on July 18, 2013 (Doc. No. 8). The Social Security Administration filed its Answer (Doc. No. 14), and a Scheduling Order was issued September 6, 2013 (Doc. No. 18).

II.   ANALYSIS

Mr. Smith's brief was due on or before October 18, 2013. He has not requested an extension of time or otherwise communicated with the Court about filing his brief. Of particular note to *pro se* plaintiffs is Local Rule 5.5(c)(2), which states:

> Parties appearing *pro se.* It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.
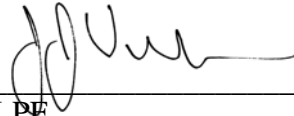
Loc. R. 5.5(c)(2).

It is recommended that this case be dismissed without prejudice for Plaintiff's failure to respond to the Court's October 18, 2013, Order. Mr. Smith may still file a brief with his Objections to this Proposed Findings and Recommendations within the fourteen day time period allowed.

III.   CONCLUSION

IT IS THEREFORE RECOMMENDED that:

1.   Plaintiff's Complaint be dismissed without prejudice.

DATED this 9th day of January, 2014.

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JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE