

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

**KIARA SMITH,**

**PLAINTIFF**

**VS.**

**No. 3:13-CV-00029-SWW**

**CAROLYN W. COLVIN, Acting Commissioner,  
Social Security Administration**

**DEFENDANT**

**ORDER**

Noting that no objections had been filed, the Court, by Order and Judgment entered January 28, 2014 [doc.#'s 20, 21], adopted in full the Proposed Findings and Recommendations (F&R) received from Magistrate Judge Joe J. Volpe and dismissed pro se plaintiff Kiara Smith's action without prejudice. In the F&R, which recommended that plaintiff's action be dismissed for failing to file a brief as ordered, Judge Volpe noted that plaintiff "may still file a brief with his Objections to this [F&R] within the fourteen day time period allowed."

Plaintiff subsequently filed untimely objections to the Judge Volpe's F&R and a motion for the appointment of counsel [doc.#22]. But even if plaintiff's objections were timely, he still has not filed a brief and his objections are not responsive to either the F&R or Judge Volpe's September 6, 2013 Scheduling Order [doc.#18].<sup>1</sup>

To the extent plaintiff's objections can be considered a motion for reconsideration, the

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<sup>1</sup> Judge Volpe's Scheduling Order provides that "[b]riefs should provide a history of the administrative proceedings and statement of facts and identify specific points for appeal together with relevant law and argument. They should include citations of legal authority in support of arguments made. These citations should include specific page references within the case where the cited point is discussed. Briefs should also include citations to referenced portions of the transcript supporting the party's arguments." Plaintiff's objections largely consist of quotations of various statutes.

motion is denied. The Court additionally denies plaintiff's motion for the appointment of counsel.

IT IS SO ORDERED this 6<sup>th</sup> day of February 2014.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE