

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

TIFFANY DENISE POLLARD

PLAINTIFF

v.

3:23-cv-00115-BRW-JJV

KILOLO KIJAKAZI,
Acting Commissioner,
Social Security Administration,

DEFENDANT

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

INSTRUCTIONS

This recommended disposition has been submitted to United States District Judge Billy Roy Wilson. The parties may file specific objections to these findings and recommendations and must provide the factual or legal basis for each objection. The objections must be filed with the Clerk no later than fourteen (14) days from the date of the findings and recommendations. A copy must be served on the opposing party. The district judge, even in the absence of objections, may reject these proposed findings and recommendations in whole or in part.

RECOMMENDED DISPOSITION

Plaintiff, Tiffany Pollard, has appealed the final decision of the Commissioner of the Social Security Administration to deny her claim for benefits. Her Complaint, a form generated by the Administrative Office of the Courts, indicated she was seeking review of a decision regarding child disability benefits. (Doc. No. 2 at 2.) When asked to explain why the Commissioner's factual findings are not supported by substantial evidence in the record, Plaintiff only stated, "On the behalf that he can't [comprehend]." (*Id.* at 3.) Other than completing the check boxes, Ms. Pollard has provided no information about why she seeks review of the Commissioner's decision.

Because the Complaint was lacking any facts to understand the nature of Plaintiff's claims, the Commissioner filed a Motion for a More Definite Statement pursuant to Fed. R. Civ. P. 12(e). (Doc. No. 7). Finding the Commissioner's Motion to have merit, on July 27, 2023, I ordered Ms. Pollard to provide: 1) The name of the person for whom benefits are claimed; 2) The county of residence of the person for whom benefits are claimed; 3) The person on whose wage record benefits are claimed; and 4) Identify the final decision to be reviewed, including any identifying designation. (Doc. No. 8.)

I ordered Ms. Pollard to file this pleading no later than September 1, 2023, and notified her that failing to comply with the Order may result in dismissal of this cause of action. (*Id.*) Ms. Pollard has failed to comply with my Order.

So, after careful review of the record in this case, I find that dismissal is appropriate. The Complaint wholly fails to state sufficient information for the Commissioner to respond. Ms. Pollard has had sufficient time to respond, and the information requested was minimal.

IT IS, THEREFORE, RECOMMENDED that this matter be dismissed without prejudice.

DATED this 5th day of September 2023.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE