

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CHAD NELSON

PLAINTIFF

v.

Case No. 11-2085

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

ORDER

On January 17, 2012, the Defendant filed a Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim. Specifically, Defendant contends that Plaintiff failed to file his Complaint within sixty days of receiving the Appeals Council's denial of review, as is required by section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). It appears that the Appeals Council denied Plaintiff's request for review on December 2, 2010, but Plaintiff did not file his Complaint with this court until March 28, 2011. Accordingly, Plaintiff is hereby directed to file a response to Defendant's Motion to Dismiss on or before March 2, 2012. Plaintiff's response should focus on explaining his delay in the filing of his Complaint with this Court.

IT IS SO ORDERED this 18th day of January 2012.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE