

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

AURORA A. HURLOCKER

PLAINTIFF

v.

CIVIL NO. 12-2144

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

ORDER

On December 21, 2012, Defendant filed a Motion to Dismiss for Lack or Prosecution. (Doc. 10). On the same date, a Show Cause Order was entered directing Plaintiff to state why her case should not be dismissed. (Doc. 11). On December 27, 2012, Plaintiff filed a Response to the Show Cause Order (doc. 12), and a Motion for an extension of time to file a brief (doc. 13), indicating that Plaintiff's counsel mistakenly thought that the brief had been filed timely. Plaintiff states that opposing counsel has no objection to the motion.

On December 28, 2012, Plaintiff filed her appeal brief. (Doc. 14). **Plaintiff's counsel is cautioned to wait for the Court to rule on a motion prior to filing belated documents.** As Plaintiff has filed her brief, the motion for an extension (doc. 13) is moot; however, the Court will find Plaintiff's brief to be timely filed.

Based on the above, Defendant's Motion to Dismiss (doc. 10), is denied as moot.

IT IS SO ORDERED this 28th day of December, 2012.

/s/ Erin L. Setser

HON. ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE