

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

STACY L. SAWYER

PLAINTIFF

v.

CIVIL NO. 2:24-cv-02010-MEF

MARTIN O'MALLEY, Commissioner  
Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

On January 19, 2024, Plaintiff, Stacy Sawyer, filed a Complaint pursuant to 42 U.S.C. § 405(g) seeking judicial review of a decision of the Commissioner of Social Security. (ECF No. 3). In so doing, however, she failed to pay the \$405 filing fee or file an Application to Proceed In Forma Pauperis. This Court filed a Notice of Deficiency, directing the Plaintiff to either file an Application to Proceed In Forma Pauperis or pay the filing fee by January 25, 2024. On January 29, 2024, the Plaintiff filed an insufficient Motion to Proceed In Forma Pauperis. (ECF No. 5). As a result, the Court entered an Order provisionally filing the Plaintiff's complaint and directing her to correct the insufficiency on or before February 20, 2024. (ECF No. 6). Said Order warned the Plaintiff that Plaintiff's failure to act by the deadline could result in dismissal of her case. When she failed to respond, the Court entered a Show Cause Order on February 21, 2024, directing a response by March 13, 2024, and warning that failure to respond would subject her Complaint to dismissal. (ECF No. 7). Again, the Plaintiff failed to respond and there is no evidence to suggest that the Order was undeliverable. In fact, the NEF regarding the show cause order was regenerated by the Clerk's Office on March 19, 2024, with no response from the Plaintiff.

Accordingly, dismissal of the action is appropriate pursuant to FED. R. CIV. P. 41(b), and the Clerk of Court is directed to dismiss the Complaint without prejudice.

DATED this 25th day of March 2024.

/s/ Mark E. Ford

HONORABLE MARK E. FORD  
UNITED STATES MAGISTRATE JUDGE