

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

TERESA DANIEL

PLAINTIFF

vs.

Civil No. 4:13-cv-04004

MICHAEL J. ASTRUE
Commissioner, Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Before the Court is Plaintiff's Complaint. ECF No. 1. Plaintiff filed this Complaint on January 8, 2013. Thereafter, Defendant answered (ECF No. 8), and the transcript in this action was also filed. On May 20, 2013, the Court entered a social security scheduling order clearly directing Plaintiff to file an appeal brief by June 19, 2013.¹

In the scheduling order, the Court noted that "**Plaintiff's failure to file a timely brief may result in dismissal for failure to prosecute.**" Despite this deadline and this warning, Plaintiff has not timely filed an appeal brief as required by this order. Accordingly, consistent with the directive of this scheduling order, the Court **DISMISSES** Plaintiff's Complaint without prejudice for failure to comply with an order of the Court, failure to timely file her appeal brief, and failure to prosecute this action.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

ENTERED this 6th day of January 2014.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE

¹ Upon request from Plaintiff, this deadline was extended to July 18, 2013. ECF No. 10.