

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

CHRISTINA CRISS (MATHENY)

PLAINTIFF

vs.

Civil No. 6:12-cv-06138

CAROLYN W. COLVIN

DEFENDANT

Commissioner, Social Security Administration

MEMORANDUM OPINION

Before the Court is Defendant’s Motion to Dismiss for Lack of Prosecution. ECF No. 12. The Parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 5. Pursuant to this authority, this Court issues this Memorandum Opinion.

On July 11, 2013, the Court entered a Social Security Scheduling Order directing Plaintiff to file an appeal brief by August 12, 2013. In that Order, Plaintiff was warned that her “**failure to file a timely brief may result in dismissal for failure to prosecute.**” Despite this scheduling order and this warning, Plaintiff did not timely file an appeal brief.

Thereafter, on September 23, 2013, the Court entered a show cause order directing Plaintiff to file an appeal brief by October 9, 2013 or show cause “why her case should not be dismissed with prejudice.” ECF No. 14. Despite this order and this new deadline, Plaintiff still has not filed an appeal brief.

Accordingly, because Plaintiff has failed to prosecute this action and failed to comply with the orders of the Court, the Court **GRANTS** Defendant’s Motion to Dismiss for Lack of Prosecution.

ECF No. 12. Plaintiff's case is dismissed with prejudice. A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

ENTERED this 15th day of October 2013.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U. S. MAGISTRATE JUDGE