

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VELEDA G. BURTON,
Plaintiff,

v.

CAROLYN W. COLVIN,
Defendant.

Case No. 15-cv-03574-VC

ORDER DISMISSING CASE

Re: Dkt. Nos. 16, 17

On January 13, the Court issued an order instructing the plaintiff to show cause why this case should not be dismissed for failure to prosecute. A response to the order to show cause was filed on January 22, but that response only raised further questions about the plaintiff's plans to prosecute this case, and her capacity to do so. For example, in her response, the plaintiff asserted, "[t]his is not my case"; acknowledged, "I have not filed anything since August 4, 2015 in this case"; and seems to have alleged widespread "falsification" by government attorneys and the Court.

The Court has weighed the factors to consider in deciding whether to dismiss a case for failure to prosecute. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002). The Court finds that the first three factors weigh in favor of dismissal. The fourth factor does not weigh strongly in either direction. In an abundance of caution, and in light of the fifth factor – "the public policy favoring disposition of cases on their merits," *id.* at 642 – the Court has also independently reviewed the administrative record in an effort to determine whether the plaintiff might have a meritorious claim. After undertaking this review, the Court sees no reason to think that the Commissioner's decision was contrary to law or unsupported by substantial evidence. The fifth factor therefore does not weigh significantly against dismissal.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

For these reasons, this case is dismissed with prejudice.

IT IS SO ORDERED.

Dated: February 11, 2016



VINCE CHHABRIA
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VELEDA G. BURTON,
Plaintiff,

v.

CAROLYN W. COLVIN,
Defendant.

Case No. [15-cv-03574-VC](#)

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 11, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Veleda G. Burton
P. O. Box 3846
Oakland, CA 94609

Dated: February 11, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA