

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RYKER WILLIAM SCHENCK,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

Case No. [3:16-cv-02348-JD](#)

**ORDER OF DISMISSAL FOR FAILURE
TO PROSECUTE**

Re: Dkt. No. 12

On April 6, 2017, the Court ordered plaintiff Ryker William Schenck to show cause why this case should not be dismissed for failure to prosecute. Dkt. No. 12. Schenck did not respond to the order. He has not paid the filing fee for his case. The Court has not heard from Schenck or the counsel who appeared on his behalf for over one year.

Consequently, the case is dismissed with prejudice for failure to prosecute. The Court has considered the five factors set forth in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987). While our policy favors the disposition of cases on their merits, Schenck has shown no interest in pursuing his claims, and disregarded the Court's order to show cause warning that the action would be dismissed if he failed to respond. The Clerk is directed to close the file.

IT IS SO ORDERED.

Dated: May 5, 2017



JAMES DONATO
United States District Judge