

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge John L. Kane

Civil Action No. **09-cv-1970-AP**

**CYNTHIA L. THOMPSON,**

Plaintiff,

v.

**MICHAEL J. ASTRUE, Commissioner of Social Security,**

Defendant.

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**ORDER DISMISSING CASE**

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Kane, J.

This Social Security disability matter is before me on Defendant's Motion to Dismiss (Doc. 9), filed October 19, 2009, asserting Plaintiff's Complaint was not timely filed. Plaintiff was ordered to file a Response to Defendant's Motion on or before November 10, 2009. To date, no Response nor Motion for Extension of Time has been received. Because the timely filing of a Complaint under the Social Security Act is a jurisdictional requirement not subject to waiver or excuse, and because there is no dispute that Ms. Thompson's Complaint was, in fact, filed two days after the statutory 60-day deadline, there is nothing to be done in this case but effect Congress's intent and dismiss the action. I am without jurisdiction over the Complaint, and it is therefore **DISMISSED**.

Defendant's Motion to Dismiss (Doc. 9) is **GRANTED**.

Dated: November 18, 2009.

**s/John L. Kane**  
SENIOR U.S. DISTRICT JUDGE