

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MICHAEL OLIVER,

Plaintiff,

v.

Case No: 2:17-cv-44-FtM-CM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This matter comes before the Court upon review of the file. Plaintiff filed this action of January 24, 2017 seeking the Court's review of an Administrative Law Judge's decision regarding his entitlement to Social Security benefits. Doc. 1. For the reasons set forth below, this action is dismissed for failure to prosecute.

On April 14, 2017 the parties consented to trial before a U.S. Magistrate Judge. Doc. 20. Three days later, the Honorable Sheri Polster Chappell approved the parties' consent to jurisdiction and reassigned this case to the undersigned. Doc. 26. Subsequently, the Court issued a scheduling order which set the deadline for Plaintiff's memorandum to June 19, 2017. Doc. 27. After the scheduling order was issued, Plaintiff's attorney was permitted to withdraw due to counsel's appointment as an administrative law judge. Doc. 30 at 1. Since his attorney's withdrawal, Plaintiff has been proceeding *pro se*. *Id.* at 2.

When Plaintiff failed to timely file his memorandum of law, the Court issued an Order to Show Cause (Doc. 31) on October 6, 2017. The Order directed Plaintiff

to show cause in writing on or before November 6, 2017 as to why he failed to file his memorandum of law. Doc. 31. Alternatively, Plaintiff was directed to file his memorandum of law. *Id.* To date, Plaintiff has not responded to the Order to Show Cause nor has he filed his memorandum of law.

Although Plaintiff is proceeding *pro se*, he still is required to conform to the Federal Rules of Civil Procedure and Local Rules. *See Dash v. Chasen*, 503 Fed. Appx. 791, 795 n.1 (11th Cir. 2013) (explaining that *pro se* litigants still are required to conform to procedural rules). He also was cautioned that failure to comply with the Court's Order within the time permitted would result in the Court dismissing this action. Doc. 31.

ACCORDINGLY, it is hereby

ORDERED:

1. This action is **DISMISSED without prejudice**.
2. The Clerk is directed to close the file.

DONE and **ORDERED** in Fort Myers, Florida on this 8th day of November, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record
Pro se litigants