

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

WILLIAM B PRITCHARD,

Plaintiff,

vs.

Case No. 5:20-cv-00223-MAF

**ANDREW M. SAUL,
Commissioner of Social Security,**

Defendant.

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MEMORANDUM OPINION AND ORDER

This Cause comes before the Court upon *sua sponte* review of the record. Plaintiff, a non-prisoner represented by counsel, filed a complaint pursuant to 42 U.S.C. § 405(g) and 42 U.S.C § 1383(c)(3). ECF No. 1. For the reasons stated below, the case is due to be dismissed without prejudice for Plaintiff's failure to prosecute this case and failure to comply with court orders. The procedural history of this case warrants discussion.

I. Relevant Procedural History

Plaintiff initiated this case on August 24, 2020, by submitting a complaint against the Commissioner of Social Security appealing the final administrative decision denying his claims. ECF No. 1. The Court granted Plaintiff leave to proceed *in forma pauperis* and directed the Clerk to have

the United States Marshals Service serve the Defendant. ECF No. 4. This Social Security case was referred to the Undersigned, upon consent of the parties by United States District Judge, T. Kent Wetherell. ECF Nos. 6, 7.

The case was initially stayed for 90 days for Defendant to file his answer. ECF No. 10. Defendant filed a second motion to stay the case for an additional 90 days, which the Court granted. ECF Nos. 12, 13. Defendant filed an answer on April 19, 2021. ECF No. 14. The Court issued an order directing Plaintiff to file a memorandum in support of the Complaint no later than **May 19, 2021**, and warned that failure “to file a memorandum specifically addressing the claimed error as instructed . . . will be deemed to be a failure to prosecute and will result in an Order dismissing the case for that reason.” ECF No. 16. To this date, Plaintiff has not filed a memorandum in support of his Complaint.

II. Discussion - Dismissal for Failure to Comply with Court Orders.

The Eleventh Circuit has explained that “[a] district court has inherent authority to manage its own docket ‘so as to achieve the orderly and expeditious disposition of cases.’” Equity Lifestyle Props., Inc. v. Fla. Mowing & Landscape Serv., Inc., 556 F.3d 1232, 1240 (11th Cir. 2009) (quoting Chambers v. NASCO, Inc., 501 U.S. 32, 43 (1991)). Such authority includes

the power to dismiss a case for failure to prosecute or for failure to comply with a court order under Fed. R. Civ. P. 41(b). Id.

Dismissal of the complaint is warranted under Rule 41(b). “The legal standard to be applied under Rule 41(b) is whether there is a clear record of delay or willful contempt and a finding that lesser sanctions would not suffice.” Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985) (internal quotes omitted); accord. Gratton v. Great American Communications, 178 F.3d 1373, 1374 (11th Cir. 1999). The Court cannot proceed when parties fail to comply with the Court’s orders or otherwise fail to prosecute their case.

Plaintiff has not filed a memorandum in support of his complaint as directed by the Court and has otherwise failed to prosecute this case. Dismissal is warranted.

III. Conclusion

Plaintiff’s complaint is DISMISSED without prejudice for failure comply with court orders pursuant to Fed. R. Civ. P. 41(b) and N.D. Fla. L. R. 41.1, and for want of prosecution. See also Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989) (“While dismissal is an extraordinary remedy, dismissal upon disregard of an order, especially where the litigant has been forewarned,

generally is not an abuse of discretion.”). The Clerk is DIRECTED to close the case.

IN CHAMBERS at Tallahassee, Florida, on May 24, 2021.

s/ Martin A. Fitzpatrick

MARTIN A. FITZPATRICK
UNITED STATES MAGISTRATE JUDGE