

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

FILED
Scott L. Poff, Clerk
United States District Court
By jburrell at 1:11 pm, Aug 29, 2018

DAVID LEE HUGGINS,)
)
Plaintiff,)
)
v.)
)
NANCY A. BERRYHILL, Acting)
Commissioner of Social Security,)
)
Defendant.)

CV417-054

ORDER

Plaintiff filed his Complaint seeking review of a final decision of the Commissioner of Social Security and his motion to proceed *in forma pauperis* (IFP) in March 2017. Docs. 1 & 2. The Court, after screening, granted IFP and permitted his Amended Complaint to be served by the United States Marshal. Doc. 11. Plaintiff was also served with this Court’s General Order in Social Security Appeals, which sets forth the briefing schedule and requirements to which *all* Social Security appeal plaintiffs (whether *pro se* or represented by counsel) must adhere. Doc. 4. That Order explains that within 30 days of lodging of the Administrative Record and filing of defendant’s answer to the complaint, plaintiff must file his opening brief setting forth his entitlement to relief.

The Record was lodged and answer filed on June 12, 2018, yet plaintiff has not filed his opening brief or requested more time to do so. *See* doc. 22 (letter to the Court explaining that he has unsuccessfully sought legal assistance and thus has been delayed in pursuing litigation, but not indicating he intends to file an opening brief). It is, in short, unclear whether he intends to prosecute his case.

Within 14 days of the date this Order is served, plaintiff shall either: (1) file his opening brief, or (2) otherwise show cause why this case should not be dismissed on inactivity and, thus, abandonment grounds. *See* Fed. R. Civ. P. 41(b); S.D. Ga. L.R. 41.1(c); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, CV491-277 (S.D. Ga. June 10, 1992). Failure to respond to this Order will result in a recommendation of dismissal of this action. The Clerk is further **DIRECTED** to serve plaintiff with an additional copy of the Court's General Order in Social Security Appeals, to re-apprise plaintiff of the requirements of his opening brief.

SO ORDERED, this 29th day of August, 2018.

A handwritten signature in blue ink, appearing to read "J.R. Smith", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA