

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

| | | |
|---|---|------------------------|
| ANTHONY S. PRUSACZYK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 13-cv-1322-JPG-CJP |
| |) | |
| CAROLYN W. COLVIN, |) | |
| Acting Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM and ORDER

GILBERT, District Judge:

Plaintiff Anthony S. Prusaczyk, acting pro se, seeks judicial review pursuant to 42 U.S.C. § 405(g) of the final agency decision denying him social security disability benefits.

After the Commissioner filed the transcript of administrative proceedings, the Court entered a briefing schedule which required plaintiff to file a brief in support of his complaint by July 3, 2014. *See* Doc. 13. When he failed to do so, the Court, on its own motion, granted him an extension to August 25, 2014. In that order, the Court informed plaintiff that failure to file a timely brief would subject him to sanctions:

Plaintiff is cautioned that he will be subject to sanctions, including monetary sanctions and dismissal of this case, if he fails to file his brief by August 25, 2014.

Doc. 13, emphasis in original.

Plaintiff has failed to file his brief as ordered. In addition, the copy of Doc. 13 that was mailed to plaintiff has been returned as undeliverable. It appears that plaintiff has moved and has failed to inform the Court of his current address.

Fed.R.Civ.P. 16(f) provides that the Court may sanction a party to failing to obey a pretrial order. Rule 16(f) incorporates the sanctions provisions of Fed.R.Civ.P. 37(d). Thus, it is clear that the Court has the authority to impose sanctions, including dismissal, for failure to file a brief as ordered.

This Court gave plaintiff the “warning shot” required by *Ball v. City of Chicago*, 2 F.3d 752, 755 (7th Cir. 1993) in Doc. 13. Plaintiff has failed to diligently prosecute his case. The failure to file a brief as ordered, coupled with failure to keep the Court informed of his current address, merits dismissal. See *McInnis v. Duncan*, 697 F.3d 661 (7th Cir. 2012).

This case is ordered **DISMISSED WITH PREJUDICE**

The Clerk of Court shall enter judgment in favor of defendant.

IT IS SO ORDERED.

Date: September 9, 2014

s/J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE