

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

TREVER J. RACER,

Plaintiff,

vs.

Civil No. 14-cv-1244-DRH-CJP

**CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,**

Defendant.

MEMORANDUM and ORDER

HERNDON, District Judge:

Plaintiff Trever J. Racer, 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 September 9, 2015. That Order stated that “The submission of a brief is mandatory, and the failure to submit a brief in the form provided above may result in appropriate sanctions by the Court.” See, Doc. 16. When plaintiff failed to file a brief as ordered, the Court, on its own motion, granted him an extension to October 5, 2015. That Order contained the following warning:

Plaintiff is cautioned that this case will be dismissed if he does not file his brief by October 5, 2015.

Doc. 17, emphasis in original.

Plaintiff has failed to file his brief as ordered. 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(b). 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 has given plaintiff the required “warning shot,” i.e., warning of the consequences of failing to follow its orders. See, *Ball v. City of Chicago*, 2 F.3d 752, 755 (7th Cir. 1993). Plaintiff failed to obey the Court’s Orders and has failed to diligently prosecute his case. Therefore, this cause of action will be dismissed.

This cause of action is ordered **DISMISSED WITHOUT PREJUDICE**.

The Clerk is directed to close the file.

IT IS SO ORDERED.

Date: October 8, 2015

David R. Herndon



Digitally signed by

David R. Herndon

Date: 2015.10.08

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United States District Court