

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHERINE ANGELA CELICE,

Plaintiff,

Case No. 13-cv-11946

v.

Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL
SECURITY,

Magistrate Judge Mona K. Majzoub

Defendant.

**ORDER DISMISSING PLAINTIFF'S COMPLAINT FOR
FAILURE TO PROSECUTE**

Plaintiff Catherine Angela Celice brought this action on May 1, 2013 to challenge the decision of the Commissioner of Social Security denying her application for Social Security Disability Insurance Benefits and Supplemental Security Income. This Court referred the action to Magistrate Judge Mona K. Majzoub for all pretrial matters, proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation (“R&R”) on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). On April 30, 2014, Magistrate Judge Majzoub issued an R&R recommending that this Court dismiss Plaintiff’s Complaint pursuant to Eastern District of Michigan Local Rule 41.2 (hereinafter, “Local Rule 41.2”).

Local Rule 41.2 provides that “when . . . the parties have taken no action for a reasonable time, the court may, on its own motion after reasonable notice or on application of a party, enter an order dismissing or remanding the case unless good cause is shown.” E.D. Mich. LR 41.2. In her R&R, Magistrate Judge Majzoub details how she urged Plaintiff’s compliance with various scheduling and show cause orders and informed Plaintiff of the risk of dismissal if no action was taken. On September 13, 2013, the Court entered and served an amended Scheduling Order which set forth an October 11, 2013 deadline for Plaintiff to file a motion for summary judgment. (R&R 2.) Plaintiff did not file a summary judgment motion. As a result of Plaintiff’s inaction, the Court entered and served an Order to Show Cause dated October 21, 2013. (*Id.*) This Order to Show Cause directed Plaintiff to either respond as to why she failed to comply with the Scheduling Order or to file a motion for summary judgment by November 4, 2013. (*Id.*) The show cause order explicitly indicated that failure to respond may result in the dismissal of Plaintiff’s case. (*Id.*) Plaintiff did not respond to the show cause order or file a motion for summary judgment; in fact, Plaintiff has not filed anything with the Court since her initial pleadings. (*Id.*)

At the conclusion of the R&R, Magistrate Judge Majzoub instructs the parties that they may object to and seek review of the R&R within fourteen days of service upon them. She further explicitly advises the parties that failure to file

specific objection constitutes a waiver of any further right to appeal. Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusion reached by Magistrate Judge Majzoub that Plaintiff's Complaint should be dismissed pursuant to Local Rule 41.2 for failure to prosecute. Plaintiff's failure to respond to the Court's scheduling and show cause orders is indicative of a failure to prosecute. The Court therefore adopts Magistrate Judge Majzoub's April 30, 2014 Report and Recommendation.

Accordingly,

IT IS ORDERED that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**.

Date: May 29, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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Lynn Marie Dodge, AUSA
Magistrate Judge Mona K. Majzoub