

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

HENRY A. TERRY, )  
Plaintiff, )  
v. )  
CAROLYN W. COLVIN, )  
ACTING COMMISSIONER OF )  
SOCIAL SECURITY, )  
Defendant. )  
No. 1:13CV150 TIA

## **MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Response to Show Cause Order. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On October 8, 2013, Plaintiff filed a pro se Complaint for Judicial Review of Decision of the Commissioner of Social Security. Defendant filed her Answer and the Certified Administrative Transcript on March 18, 2014. Under the Local Rules of the United States District Court for the Eastern District of Missouri, Plaintiff's Brief in Support of the Complaint was due on April 17, 2014. E.D. Mo. L.R. 9.02. However, Plaintiff filed, and the Court granted, a motion for extension of time on April 28, 2014, requesting an additional 30 days to file his brief. Plaintiff failed to timely file his brief, and the Court issued a Show Cause Order on June 30, 2014, ordering Plaintiff to show cause why the case should not be dismissed for failure to file a brief in compliance with this Court's Order and with the local rules. On July 10, 2014, Plaintiff filed a response, indicating that he gave his medical records to an attorney, who agreed to draft the brief. However, Plaintiff is now unable to reach said attorney and requests additional time to procure another copy of his medical records and locate an attorney to write the brief.

While the undersigned is sympathetic to Plaintiff's predicament, his pro se status does not permit him to disregard the Federal Rules of Civil Procedure or this Court's Local Rules.

Bennett v. Dr. Pepper/Seven Up, Inc., 295 F.3d 805, 808 (8th Cir. 2002) (citations omitted);  
Witte v. Culton, No. 4:11CV2036 ERW, 2013 WL 4666334, at \*4 (E.D. Mo. Aug. 30, 2013).

Plaintiff is obligated to file a brief in accordance with Fed. R. Civ. P. 56 and E.D. Mo. L.R. 9.02, which rules include time limitations. Although Plaintiff has failed to comply with those time limitations, the Court will grant him additional time to file his brief. Failure to file the brief by the deadline set forth by the Court, however, will result in dismissal of Plaintiff's Complaint.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff shall file his Brief in Support of the Complaint no later than August 29, 2014. Failure to comply with this Order will result in dismissal of Plaintiff's Complaint for Judicial Review of Decision of the Commissioner of Social Security.

/s/ Terry I. Adelman  
UNITED STATES MAGISTRATE JUDGE

Dated this 15th day of July, 2014.