

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JARVIS KEITH POTTER,)
Plaintiff,)
v.)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
Defendant.)
No. 4:15 CV 1896 JMB

MEMORANDUM AND ORDER

This cause is on appeal for review of an adverse determination by the Social Security Administration. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

Plaintiff seeks judicial review of the denial of his application for Disability Insurance Benefits claiming that the Administrative Law Judge ("ALJ") erred in his decision to deny benefits. The undersigned notes that Defendant has submitted the administrative record in this cause, which includes the transcript of the hearing before the ALJ and the medical records which were submitted to and relied upon by the ALJ in rendering his decision. In light of this record, the undersigned anticipates no conflicting testimony in this cause. Plaintiff seeks review of an adverse determination by the Social Security Administration, and such review requires this Court to determine whether substantial evidence supports the Commissioner's decision to deny Plaintiff benefits. 42 U.S.C. § 405(g); Richardson v. Perales, 402 U.S. 389, 401 (1971); Robinson v. Sullivan, 956 F.2d 836, 838 (8th Cir. 1992).

This cause is on appeal from an adverse ruling by the Social Security Administration.

Plaintiff's Complaint was filed on December 21, 2015. (ECF No. 1). On December 21, 2015, the Court entered a Case Management Order setting out the briefing schedule to be followed in this cause in accordance with Rule 9.02 of the Local Rules of this Court.¹ (ECF No. 3). Defendant Acting Commissioner of Social Security timely filed her Answer to Plaintiff's Complaint on August 19, 2016. (ECF No. 13). As such, pursuant to Local Rule 9.02, Plaintiff's brief in support of his Complaint was to be filed not later than September 30, 2016. A review of the Court file shows that, to date, Plaintiff has not filed a brief in support of his Complaint, or in any other way complied with the Local Rules or previous Order of this Court.

Therefore, for all of the foregoing reasons,

IT IS HEREBY ORDERED that no later than November 7, 2016, Plaintiff shall file with the Court a separate Brief in Support of his Complaint setting forth the specific bases upon which he claims the Commissioner to have erred in the determination to deny Plaintiff benefits.

Failure to timely respond to this Order shall result in the dismissal of the cause for failure to prosecute and failure to comply with Orders of the Court.

/s/ John M. Bodenhausen
UNITED STATES MAGISTRATE JUDGE

Dated this 5th day of October, 2016.

¹Local Rule 9.02 provides:

[T]he Commissioner shall file any motion to dismiss, motion to remand, and/or answer within sixty (60) days of service of the complaint. ... The plaintiff shall, unless otherwise ordered by the court, serve and file a brief in support of the complaint within thirty (30) days after the Commissioner's service of an answer and the administrative transcript. The Commissioner shall serve and file a brief in support of the answer within thirty (30) days after service of the plaintiff's brief. Plaintiff shall have ten (10) days after service of the Commissioner's brief to file a reply brief.