

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MARJORIE A. FLOWER,

Plaintiff,

- v -

Civ. No. 6:16-CV-1084
(DHN) (DJS)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**DANIEL J. STEWART
U.S. MAGISTRATE JUDGE**

ORDER

In this action, Plaintiff Marjorie Flower moves *pro se*, pursuant to 42 U.S.C. § 405(g), for review of a decision by the Commissioner of Social Security denying her application for disability benefits. *See* Dkt. No. 1. On December 28, 2016, the Defendant filed the Administrative Record. Dkt. No. 9. Thus, in accordance with General Order 18, the time by which Plaintiff needed to file her Brief was set for February 12, 2017. After not receiving Plaintiff's Brief, the undersigned, in light of Plaintiff's *pro se* status, *sua sponte* extended Plaintiff's time to file her Brief to May 8, 2017. Dkt. No. 11. Then, for good cause shown, the Court, upon Plaintiff's request, extended the deadline to file a Brief to June 5, 2017. Dkt. Nos. 12 & 13. To date, Plaintiff has not filed her Brief. In light of her *pro se* status, the Court finds it prudent to have the Defendant file a Brief to which the Plaintiff could respond.

WHEREFORE, based upon due consideration, it is hereby


ORDERED, that, within **60 days** from the date of this Order, the Commissioner of Social Security shall file a Brief in support of the Commissioner's position setting forth all contentions which

Defendant believes entitles the Commissioner to relief; and it is further

ORDERED, that Plaintiff shall then have **60 days** after service of Defendant's Brief, within which to serve and file a Brief in support of Plaintiff's position. Plaintiff is warned that her failure to file a responsive Brief could result in dismissal of this action based upon apparent abandonment of her claim.

IT IS SO ORDERED.

Date: July 18, 2017
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge