

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:19-CV-61-KS

BEVERLY BOGUES,)
)
Plaintiff,)
)
v.)
)
ANDREW M. SAUL, Commissioner)
of Social Security Administration,)
)
Defendant.)

ORDER

This matter is before the court on its own motion. Beverly Bogues (“Plaintiff”) filed this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the denial of an application for supplemental security income benefits for her now adult son Devon Bogues. On September 8, 2020, the court ordered Plaintiff to show cause, on or before October 9, 2020, why this action should not be dismissed for lack of jurisdiction or failure to state a claim unless Devon Bogues joined the action as the real party in interest. (Show Cause Order [DE #34].)

No action was taken in response to the court’s order within the time allowed. Nevertheless, the court, exercising its discretion and acting on its own motion, entered an order extending Plaintiff’s response deadline to November 17, 2020. (Ext. Order Nov. 3, 2020 [DE #35].)

On November 20, 2020, Plaintiff filed an untimely motion to “respond to the defendant’s Complaint” (Mot. Ext. [DE #36]), which the court construed as a request for additional time to respond to the court’s September 8, 2020, show cause order. In

its discretion, the court granted Plaintiff's motion and extended Plaintiff's response deadline to December 18, 2020. Plaintiff was warned that failure to respond to the September 8, 2020, show cause order may result in the action being dismissed without prejudice for failure to prosecute or to otherwise comply with the orders of this court. (Ext. Order Dec. 4, 2020 [DE #37].)

Plaintiff has not responded to the court's show cause order, and the twice extended deadline to respond expired almost two months ago. Accordingly, the court hereby **DISMISSES** this action **WITHOUT PREJUDICE** due to Plaintiff's failure to prosecute or to comply with this court's orders.

This 15th day of February 2021.



KIMBERLY A. SWANK
United States Magistrate Judge