

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Neva Johnette Masters,
Plaintiff,

v.

Commissioner of the Social Security
Administration,
Defendant.

Case No. 20-CIV-074-RAW-KEW

ORDER

This case was originally filed on March 13, 2020 [Docket No. 3] seeking judicial review of the adverse administrative decision denying benefits. On June 29, 2020 Defendant filed the administrative transcript prompting the entry of a minute order directing Plaintiff to file her opening brief by August 29, 2020. Because Plaintiff failed to file her brief as ordered, a Show Cause Order was entered on December 3, 2020 directing Plaintiff to show cause in writing no later than December 9, 2020 as to why this case should not be dismissed for failure to prosecute or comply with the court's orders [Docket No. 12]. That order specifically stated that failure to respond would result in a recommendation that the case be dismissed. On June 2, 2021 the Magistrate Judge issued Findings and Recommendation [Docket No. 14] recommending that the case be dismissed for Plaintiff's failure to prosecute. Fed. R. Civ. P. 41(b). Thereafter, Plaintiff filed an Objection to Findings and Recommendation [Docket No. 15] requesting that Plaintiff be permitted to file her opening brief or that the case be dismissed without prejudice to refileing.

Upon full consideration of the entire record and the issues herein, the court finds that the

Magistrate Judge's recommendation to dismiss the case for failure to prosecute is well-supported by the evidence and the prevailing legal authority. Accordingly, the Findings & Recommendation is hereby affirmed and adopted as this court's Finding and Order. This action is hereby dismissed without prejudice to refiling.

IT IS SO ORDERED this 7th day of September, 2021.

A handwritten signature in cursive script, reading "Ronald A. White".

HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA