

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

AMBER D. BELLows,)
vs.)
Plaintiff,)
vs.) Case No. CIV-16-1380-M
COMMISSIONER OF SOCIAL)
SECURITY ADMINISTRATION,)
Defendant.)

ORDER

On November 1, 2017, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this action in which plaintiff seeks judicial review of a final decision by the Commissioner of Social Security. The Magistrate Judge recommended that this Court: (1) deny plaintiff's Motion to File Show Cause Out of Time, (2) strike plaintiff's Response to Order to Show Cause as filed out of time and without leave of court, and (3) pursuant to Federal Rule of Civil Procedure 41(b), dismiss plaintiff's action against defendant for failure to prosecute. The parties were advised of their right to object to the Report and Recommendation by November 21, 2017. On November 21, 2017, plaintiff filed her objection.

Having carefully reviewed this matter de novo, the Court finds that in her Motion to File Show Cause Out of Time, plaintiff failed to show the required good cause to allow her to file her response to order to show cause out of time. The Court further finds, for the reasons set forth in the Report and Recommendation, that this action should be dismissed without prejudice for failure to prosecute.

Accordingly, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 20] issued by the Magistrate Judge on November 1, 2017;

- (2) DENIES plaintiff's Motion to File Show Cause Out of Time [docket no. 15];
- (3) STRIKES plaintiff's Response to Order to Show Cause [docket no. 17] as filed out of time and without leave of court; and
- (4) DISMISSES this action without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED this 7th day of December, 2017.



VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE