

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL EDWIN THATCHER,

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

Defendants.

Civ. No. 1:15-cv-01566-MC

OPINION AND ORDER

MCSHANE, Judge:

Plaintiff Thatcher is preceding *pro se* on an appeal from a denial of society security and disability benefits. Since filing this action Plaintiff has requested three extensions of time to file Plaintiff’s Brief (April 5, 2016 (ECF No. 12), May 27, 2016 (ECF No. 14), and July 28, 2016 (ECF No. 16). All three requests were granted by this court.

On November 8, 2016, with no responsive activity from the Plaintiff as of July 28, 2016, the Court ordered plaintiff to show cause as to why this action should not be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41 and LR 41-2(a). Plaintiff was given 30 days to file a Status Report and Plaintiff’s brief. On December 15, 2016 the court received a Plaintiff’s Status Report. The status report expressed a feeling of deep disappointment and frustration. Plaintiff had approached several attorneys, but none would agree to work on the case. An earlier motion

1 – OPINION AND ORDER

for appointment of counsel (ECF No. 3) was denied on September 14, 2015 (ECF No. 6), because there were no exceptional circumstances. *See Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). I find that continues to be true under the *Palmer* analysis.

The status report also asked that I take a close look at plaintiff's case. I reviewed closely the ALJ's decision along with the transcripts and accompanying record. Based on the record, I find that the case does not have a likelihood of success on the merits. Because there is not a showing as to why this action should not be dismissed for failure to prosecute, I order this case to be dismissed with prejudice.

IT IS SO ORDERED.

DATED this 8th day of February, 2017.



Michael J. McShane
United States District Judge