

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

AMY DAWN JEFFRIES,

Plaintiff,

v.

CIVIL ACTION NO. 1:12CV162

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER/OPINION

On October 16, 2012, the plaintiff, Amy Dawn Jeffries, by Montie VanNostrand, her attorney, filed a Complaint in this matter [DE 1]. On December 17, 2012, Defendant filed his Answer to the Complaint, along with a copy of the Transcript of the Administrative Proceedings in this matter [DE 5, 6, 7].

Plaintiff is directed to Local Rule of Civil Procedure 9.02(c), which provides:

Within thirty (30) days after the defendant has filed an answer and a complete copy of the administrative record, the plaintiff shall file a Motion for Summary Judgment and Memorandum in Support setting forth his or her claim(s) for relief. The plaintiff shall serve copies of his or her Motion for Summary Judgment and Memorandum in Support upon the United States Attorney's Office.

Plaintiff's Motion for Summary Judgment was therefore due on or before January 16, 2013.

A review of the docket reveals Plaintiff had not filed her Motion for Summary Judgment and Memorandum in Support thereof as of January 30, 2013.

It is therefore **ORDERED** that:

On or before February 13, 2013, Plaintiff shall, in writing, show good cause, if any she can, why she failed to timely file her Motion for Summary Judgment and Memorandum in Support in

accord with the Local Rule. Failure to do so will result in the undersigned recommending to the District Judge that this case be dismissed for failure to prosecute the same.

The Clerk is directed to send a copy of this Order to counsel of record.

DATED: January 31, 2013.

*s/ John S. Kaul*

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JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE