

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LASHANDRA MITCHELL,)
)
Plaintiff,)
)
vs.) No. 1:14-cv-00198-SEB-MJD
)
CAROLYN W. COLVIN,)
)
Defendant.)

**REPORT AND RECOMMENDATION
HON. MAGISTRATE JUDGE MARK DINSMORE**

On February 11, 2014, Plaintiff Lashandra Mitchell (“Mitchell”) filed a *pro se* Complaint requesting judicial review of the final decision of the Commissioner of the Social Security Administration denying her application for Supplemental Security Income under Title XVI of the Social Security Act. [Dkt. No. 1.] On May 19, 2014, the Commissioner’s Answer and the Transcript of the Administrative Record of the Social Security Administration were filed. [Dkt. Nos. 15 & 15.]

On May 20, 2014, the Court issued its Entry of Briefing Schedule, which required Mitchell to file her brief in support of the Complaint within 56 days of the date of the order, or on or before July 15, 2014. [Dkt. 16.] The Court’s order also contained a detailed description of the information Plaintiff’s brief was required to contain. [*Id.*]

Mitchell failed to timely file any brief in support of the Complaint. Thereafter, on July 17, 2014, the Court ordered Mitchell to show cause on or before August 4, 2014 why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b) due to Plaintiff’s

failure to comply with the Court's Order or, in the alternative, the Court's order allowed Plaintiff to submit her brief in support of the Complaint on or before August 4, 2014. [Dkt. No. 17.] The Court's order noted that "[a] failure to respond will result in the dismissal of Plaintiff's complaint." *Id.*

To date, Plaintiff has neither responded to the order to show cause nor filed any brief in support of the Complaint. Accordingly, the Magistrate Judge recommends that Plaintiff's Complaint be **DISMISSED** without prejudice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, for Plaintiff's failure to prosecute this matter and to comply with multiple orders of the Court.

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), and failure to timely file objections within fourteen days after service shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

Dated: 09/05/2014



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

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