

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TOMMY MARIS,)
)
Plaintiff,)
)
vs.) No. 1:16-cv-00463-SEB-MJD
)
CAROLYN W. COLVIN,)
)
Defendant.)

REPORT AND RECOMMENDATION

Plaintiff Tommy Maris requested judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying his application for Supplemental Security Income (“SSI”) under Title II of the Social Security Act (“SSA”). *See* 42 U.S.C. §§ 416(i), 423(d), 1382c(a)(3). On May 17, 2016, District Judge Sarah Evans Barker designated the undersigned Magistrate Judge to issue a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). [Dkt. 15.]

Plaintiff, who is appearing *pro se*, was to file his initial brief in support of his complaint by July 1, 2016. [Dkt. 14.] The Court’s briefing schedule provided that “if Plaintiff fails to file his brief on or before July 1, 2016, this action may be dismissed for failure to prosecute.” [*Id.*] On July 18, 2016, when Plaintiff had not yet filed an initial brief, the Court issued an Order to Show Cause directing Plaintiff to file a brief by August 15, 2016, or show cause why his complaint should not be dismissed for failure to prosecute. [Dkt. 16.]

To date, Plaintiff has not filed an initial brief in support of his complaint, or otherwise responded to the Order to Show Cause. Consequently, the Magistrate Judge recommends the Court **DISMISS** Plaintiff’s Complaint for failure to prosecute.

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: 22 AUG 2016

A handwritten signature in black ink, appearing to read "Mark J. Dinsmore", is written over a horizontal line.

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

Distribution:

TOMMY MARIS
4410 Madison Ave.
Anderson, IN 46013

Kathryn E. Olivier
UNITED STATES ATTORNEY'S OFFICE
kathryn.olivier@usdoj.gov