

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JACK BARGER,
SSN: xxx-xx-2502,

Plaintiff,

vs.

Case No. 08-4036-JAR

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS CASE

This matter comes before the Court on the motion of the Defendant Commissioner of Social Security to dismiss the case.

After being fully advised herein and for good cause shown by the Defendant, Doc. 13, the Court finds and concludes as follows:

1. On February 29, 2008, the Plaintiff filed a complaint with the court requesting a review of the final decision of his disability benefits.
2. On June 24, 2008, the Defendant filed his answer in the case.
3. Plaintiff's initial brief was due on August 8, 2008.
4. On August 12, 2008, the Court entered an order directing Plaintiff to file his brief by September 15, 2008.
5. Plaintiff has not filed his brief and has not requested additional time to file his initial brief. Therefore, Plaintiff has failed to prosecute his claim and Defendant is entitled to an order of dismissal pursuant to Fed.R.Civ.P. 41(b).

IT IS ORDERED that this action is dismissed for the Plaintiff's failure to file his initial brief and failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED this 14th day of November, 2008.

S/ Julie A. Robinson
JULIE A. ROBINSON
United States District Judge

Submitted by:

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