

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MELODY POTTER,

Plaintiff,

vs.

Case No. 11-2634-SAC

MICHAEL J. ASTRUE,
Commissioner of
Social Security,

Defendant.

MEMORANDUM AND ORDER

On April 30, 2012, defendant filed a motion to dismiss (Doc. 9-10). After plaintiff failed to respond to the motion, the court, on May 22, 2012, issued a show cause order, directing plaintiff to show cause to the court, no later than, June 12, 2012, why defendant's motion should not be considered and decided as an uncontested motion pursuant to D. Kan. Rule 7.4(b). Plaintiff has failed to either respond to the show cause order or request additional time to respond to the show cause order. Therefore, the court will consider defendant's motion to dismiss as an uncontested motion. D. Kan. Rule 7.4(b) states that, ordinarily, the court will grant such an uncontested motion without further notice. Defendant asserts that the motion to dismiss should be granted for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be

granted. Plaintiff has failed to present any reason for not granting the motion for the reasons set forth by defendant in his brief.

IT IS THEREFORE ORDERED that defendant's motion to dismiss (Doc. 9-10) is granted.

Dated this 25th day of June, 2012, Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge