

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WILLIAM J. McCARTER,

Plaintiff,

vs.

Case No. 13-2238-SAC

CAROLYN W. COLVIN,
Acting Commissioner of
Social Security,¹

Defendant.

MEMORANDUM AND ORDER

The answer and record were filed in this case on July 25, 2013 (Doc. 9). According to D. Kan. Rule 83.7.1(d), plaintiff must file their response within 45 days of the filing of the record. Therefore, plaintiff's brief was due no later than September 9, 2013. On September 11, 2013, the court issued a show cause order after plaintiff failed to file a brief (Doc. 10). On September 25, 2013, plaintiff filed a response asking for additional time to file his brief (Doc. 12). On September 27, 2013, the court granted plaintiff's request for an extension of time, and gave plaintiff until October 30, 2013 to file his brief (Doc. 13).

On November 7, 2013, the court again issued a show cause order after plaintiff failed to file a brief (Doc. 15). On

¹ Carolyn W. Colvin became Acting Commissioner of Social Security on February 14, 2013, replacing Michael J. Astrue, the former Commissioner of Social Security.

November 21, 2013, plaintiff filed a response. Plaintiff asked for additional time to obtain a lawyer, and asked if the court could help him obtain counsel (Doc. 17).

The court's order of May 22, 2013 denied plaintiff's motion for appointment of counsel (Doc. 5). That order referenced the motion for appointment of counsel, which states that before the court will consider appointing a lawyer, the plaintiff must contact the Lawyer Referral Service, 200 N. Broadway, Suite 500, Wichita, Kansas 67202, 1-800-928-3111 to get the names of lawyers who handle social security cases (Doc. 5; Doc. 4 at 1). Plaintiff has never indicated that he contacted the Lawyer Referral Service. Therefore, the court will not appoint counsel for plaintiff.

Plaintiff will be granted an extension of time to file his brief, until January 4, 2014. Plaintiff shall be expected to make every effort to file his brief by that date. Failure to file his brief by that date, or to request additional time, could result in the court dismissing the case for failure to prosecute.

IT IS THEREFORE ORDERED that the motion for appointment of counsel is denied.

IT IS FURTHER ORDERED that plaintiff shall file his brief no later than January 4, 2014.

A copy of this order shall be mailed to plaintiff by regular mail and by certified mail, return receipt requested.

Dated this 27th day of November 2013, Topeka, Kansas.

s/Sam A. Crow

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