

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

SUSAN LOYD,

Plaintiff,

vs.

Case No. 17-1235-SAC

NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security,

Defendant.

MEMORANDUM AND ORDER

On September 15, 2017, plaintiff filed this action seeking judicial review of defendant's decision to deny plaintiff social security benefits (Doc. 1). On November 30, 2017, defendant filed their answer and the social security administrative record (Doc. 8,9).

On January 23, 2018, this court issued a show cause order directing plaintiff to file a brief or otherwise respond by February 12, 2018 (Doc. 10). Subsequently, plaintiff sought and was granted extensions of time to file her brief on February 27, 2018 (plaintiff given until March 14, 2018 to file brief), March 15, 2018 (plaintiff given until April 13, 2018 to file brief), and April 17, 2018 (plaintiff given until May 14, 2018 to file

brief) (Doc 11, 13-17). Plaintiff has not filed a brief, nor has she requested additional time to file a brief.

On May 23, 2018, the court issued a show cause order directing plaintiff to file her brief no later than June 1, 2018, and indicating that failure to file a brief will result in dismissal of the case. This order was mailed to plaintiff by regular mail and by certified mail, return receipt requested. Plaintiff also received electronic notification of this order (Doc. 18). Plaintiff received the certified copy of this order on June 1, 2018 (Doc. 18).

D. Kan. Rule 41.1 states as follows:

At any time, the court may issue an order to show cause why a case should not be dismissed for lack of prosecution. If good cause is not shown within the time prescribed by the show cause order, the court may enter an order of dismissal. The dismissal will be with prejudice unless the court otherwise specifies.

This case has now been pending for nine months. As of this date, plaintiff has not responded to the show cause order; plaintiff has not filed a brief or requested an extension of time to file her brief in response to the order of May 23, 2018.

IT IS THEREFORE ORDERED that this case is dismissed for lack of prosecution.

Dated this 29<sup>th</sup> day of June 2018, Topeka, Kansas.

s/Sam A Crow

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