

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JOHNNIE L. LEWIS,

Plaintiff,

v.

CIVIL ACTION NO. 2:06CV54

JO ANNE B. BARNHART,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

ORDER/OPINION

On May 26, 2006, the plaintiff, Johnnie L. Lewis, by Randall W. Galford, his attorney, filed a Complaint in this matter. On September 11, 2006, Defendant filed her Answer to the Complaint, and a copy of the Transcript of the Administrative Proceedings in this matter.

On September 14, 2006, United States District Judge Robert E. Maxwell entered an Order referring the case to the undersigned United States Magistrate Judge and directing the parties to file their motions for summary judgment in accordance with the deadlines established by Local Rule of Civil Procedure 83.12, which provides:

Within thirty days after the defendant has filed an answer and a complete copy of the administrative record, the plaintiff shall file a brief in support of his or her claim(s) for relief. The plaintiff shall serve copies of his or her brief upon the United States Attorney's Office.

Plaintiff's Motion for Summary Judgment was therefore due on or before October 18, 2006, at the latest. A review of the docket reveals Plaintiff has not filed his Motion for Summary Judgment and brief in support thereof as of November 17, 2006.

It is therefore **ORDERED** that:

On or before December 4, 2006 Plaintiff shall, in writing, show good cause, if any he can, why he failed to timely file his Motion for Summary Judgment and brief in support thereof in accord

with the Court's order of September 14, 2006. Failure to do so will result in the undersigned recommending to the District Judge that this case be dismissed for failure to prosecute the same.

The Clerk is directed to send a certified copy of this Order to counsel of record.

DATED: November 17, 2006.

/s *John S. Kaul*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE