

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

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WILLIAM PEDBEREZNAK

3:19 CV 268 (RMS)

V.

COMMISSIONER OF SOCIAL  
SECURITY

DATE: AUG. 22, 2019

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ORDER

On February 21, 2019, the plaintiff, proceeding pro se, filed this timely lawsuit, with respect to denial of his application for Social Security Disability and Supplemental Security Income benefits by the Appeals Council on December 17, 2018; in his complaint, plaintiff alleges that he has been disabled since June 2016 due to arthritis, migraines, dizziness and a seizure disorder. (Doc. No. 1; Doc. No. 1-1). On the same day, the plaintiff filed a Motion for Leave to Proceed *In Forma Pauperis*, which the Court granted five days later. (Doc. Nos. 2, 7).

On February 25, 2019, the Clerk's Office mailed to the plaintiff at his home address a number of filings, including a Notice to Self-Represented Parties. (Doc. Nos. 4-6). On March 19, 2019, the defense counsel filed her appearance (Doc. No. 8), and on April 1, 2019, the plaintiff filed his Notice of Consent (Doc. No. 10), and the case was transferred to this Magistrate Judge on April 8, 2019. (Doc. No. 11). On April 22, 2019, the defendant filed a certified copy of the administrative record (Doc. No. 12), and on the next day, this Court issued a Scheduling Order, requiring the plaintiff to file his motion, brief, and a Statement of Facts, on or before June 24, 2019. (Doc. No. 13). The notice was mailed to the plaintiff

at his home address.

Despite being actively involved in this case, demonstrating an ability to file a timely complaint, a motion for leave to proceed *in forma pauperis*, and a Notice of Consent to a Magistrate Judge, the plaintiff has failed to file a timely motion to reverse and/or remand.

On July 2, 2019, the Court issued a Notice to Pro Se Plaintiff, reminding the plaintiff that he was to file his motion by June 24, 2019, and giving him to July 16, 2019 to file his motion and supporting memorandum. (Doc. No. 14). Additionally, that Order included the following warning to the plaintiff: “**The plaintiff is forewarned that his failure to file a Motion to Reverse and/or Remand by July 16, 2019 may result in dismissal of this case.**” (Doc. No. 14) (emphasis in original). The Order was mailed to the plaintiff at his home address. Again, the plaintiff failed to file his motion.

On July 19, 2019, the Court issued another Notice to Pro Se Plaintiff, “extend[ing] the deadline for the final time, until **August 16, 2019.**” (Doc. No. 15) (emphasis in original). Once again, the Court warned the plaintiff “that **if he fails to file his motion and brief by August 16, 2019, his lawsuit will be dismissed.**” (Doc. No. 15) (emphasis in original). The Order was mailed to the plaintiff at his home address. The plaintiff failed to comply.

As the plaintiff has failed to comply with this Court’s Orders, the plaintiff’s appeal is dismissed for failure to prosecute. *See* FED. R. CIV. P. 16(b)(4) (“A schedule may be modified only for good cause and with the judge’s consent.”).

SO ORDERED.

Dated this 22nd day of August, 2019 at New Haven, Connecticut.

/s/ Robert M. Spector, USMJ  
Robert M. Spector  
United States Magistrate Judge