

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREW J. AMEREIHN

v.

JO ANNE B. BARNHART

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CIVIL ACTION NO. 02-CV-8672

MEMORANDUM ORDER

Plaintiff Andrew J. Amereihn filed a Complaint on November 27, 2002, seeking review of a final decision of the Commissioner of Social Security denying Plaintiff's request for disability insurance benefits and supplemental security income payments (Doc. No. 1). When Plaintiff filed his Complaint, the Clerk of Court issued the standard Procedural Order for Social Security Review Cases (Doc. No. 2). Pursuant to the Order, Plaintiff was required to "serve and file a motion for summary judgment and brief supporting plaintiff's petition for review within forty-five (45) days of service of defendant's answer." (*Id.*) After obtaining an extension of time from this Court, Defendant filed an Answer to the Complaint on April 1, 2003, and properly served it on Plaintiff (Doc. No. 7). Thus, Plaintiff's motion for summary judgment was due in May 2003. More than seventeen months later, Plaintiff has neither filed his summary judgment motion with this Court nor requested an extension.¹

Based upon Plaintiff's conduct, this Court has the authority to impose sanctions, which include dismissal of this action with prejudice. *See Emerson v. Thiel Coll.*, 296 F.3d 184, 190-91 (3d Cir. 2002) (citing *Poullis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984)); *Titus v. Mercedes Benz of N. Am.*, 695 F.2d 746, 750 n.6 (3d Cir. 1982). If Plaintiff does not file

¹The Procedural Order provides that an extension of time is only permitted by leave of Court. (Doc. No. 2.)

a motion for summary judgment and brief supporting Plaintiff's petition for review on or before December 3, 2004, we will dismiss Plaintiff's Complaint with prejudice.

IT IS SO ORDERED.

BY THE COURT:

S:/R. Barclay Surrick, Judge
November 23, 2004