

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JOSEPH P. R.,	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 17-218WES
	:	
NANCY A. BERRYHILL,	:	
Acting Commissioner of the Social Security	:	
Administration,	:	
Defendant.	:	

REPORT AND RECOMMENDATION

PATRICIA A. SULLIVAN, United States Magistrate Judge.

This case was filed on May 12, 2017; on January 18, 2018, after the Acting Commissioner was served and answered the complaint, the Court issued a Social Security Scheduling Order, which directed Plaintiff, Joseph P. R., to file his motion to modify, reverse or remand by February 20, 2018. ECF No. 10. When Plaintiff failed to file anything, on March 5, 2018, the Court issued an order for Plaintiff to show good cause within thirty days as to why the case should not be dismissed for lack of prosecution. Because Plaintiff again ignored the Court's directive, I issued a report and recommendation recommending that the case be dismissed. ECF No. 12. Two weeks later, Plaintiff finally surfaced, objecting to dismissal and asking for leave to amend his complaint and to stay the case indefinitely. ECF Nos. 13, 14. In response, the Court promptly withdrew the recommendation of dismissal and reset the deadline for Plaintiff's motion to modify, reverse or remand to August 17, 2018. ECF No. 16. Plaintiff was afforded a significant extension (approximately three and a half months) to allow him plenty of time to engage an attorney and/or to file his motion. To assist Plaintiff, the Court provided a link to a Social Security Administration website with information that might be helpful to him in finding an attorney with expertise in disability law. See ECF No. 16 at 2.

It is now August 20, 2018, the established due date has come and gone, and again Plaintiff has failed to file his motion to modify, reverse or remand the decision of the Commissioner, which was first due on February 20, 2018. This case is more than a year old and remains in limbo because of Plaintiff's failure to prosecute it. Mindful of both Plaintiff's *pro se* status and his allegations of disability, I nevertheless find that the Court has run out of options. Accordingly, I recommend that the action be dismissed without prejudice and without costs.

Any objection to this report and recommendation must be specific and must be served and filed with the Clerk of the Court within fourteen (14) days after its service on the objecting party. See Fed. R. Civ. P. 72(b)(2); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision. See United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
August 20, 2018