

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

EVELYN SANTIAGO,

Petitioner,

v.

Case No: 2:17-cv-210-FtM-99CM

COMMISSIONER OF SOCIAL  
SECURITY,

Respondent.

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**REPORT AND RECOMMENDATION**

This matter comes before the Court upon review of the file. Plaintiff filed this action of November 10, 2015 seeking the Court's review of an Administrative Law Judge's decision regarding her entitlement to Social Security benefits. Doc. 1. For the reasons set forth below, the undersigned recommends this action be dismissed for failure to prosecute.

After initiating her case in this Court, Plaintiff transferred her case to the District of Puerto Rico. Doc. 15. On April 18, 2017 Plaintiff's case was transferred back from the District of Puerto Rico to the Middle District of Florida, Fort Myers Division. Doc. 27. When the Commissioner did not timely file her answer, the Court issued an Order to Show Cause directing the Commissioner to file an Answer to Plaintiff's Complaint. Doc. 31. Subsequently, the Commissioner filed an Answer in compliance with the Court's Order. Doc. 32. The following day, the Commissioner filed the transcript of the administrative proceedings. Doc. 33. The Court then issued a scheduling Order which set the deadline for the Plaintiff's

memorandum for December 11, 2017, and the Commissioner's memorandum for February 8, 2018. Doc. 34.

When Plaintiff failed to timely file her memorandum of law, the Court issued an Order to Show Cause (Doc. 35) on December 12, 2017. The Order directed Plaintiff to show cause in writing on or before January 2, 2018 as to why she failed to file her memorandum of law. Doc. 35. Alternatively, Plaintiff was directed to file her memorandum of law. *Id.* To date, Plaintiff has not responded to the Order to Show Cause nor has she filed her memorandum of law.

Although Plaintiff is proceeding *pro se*, she still is required to conform to the Federal Rules of Civil Procedure and Local Rules. *See Dash v. Chasen*, 503 Fed. App'x 791, 795 n.1 (11th Cir. 2013) (explaining that *pro se* litigants still are required to conform to procedural rules). She also was cautioned that failure to comply with the Court's Order within the time permitted would result in the Court dismissing this action. Doc. 35.

ACCORDINGLY, it is respectfully

**RECOMMENDED:**

1. This action be **DISMISSED without prejudice.**
2. The Clerk be directed to close the file.

**DONE** and **ENTERED** in Fort Myers, Florida on this 3rd day of January, 2018.



CAROL MIRANDO  
United States Magistrate Judge

Copies:  
*Pro se* parties  
Counsel of record