

United States District Court  
Middle District of Florida  
Jacksonville Division

ASTER FITCH,

*Plaintiff,*

v.

No. 3:18-CV-1345-J-PDB

COMMISSIONER OF SOCIAL SECURITY,

*Defendant.*

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**Order**

Aster Fitch responds to the order to show cause, [Doc. 23](#), and, without opposition, moves to dismiss this action, [Doc. 22](#).

In November 2018, Ms. Fitch filed a complaint challenging the Commissioner of Social Security's denial of her claim for benefits. [Doc. 1](#). The Commissioner filed an answer and a transcript of the administrative proceedings. [Docs. 15, 17](#). The Court entered a scheduling order directing Ms. Fitch to file a brief in support of the complaint by April 2, 2019. [Doc. 18](#). Ms. Fitch neither filed a brief nor requested an extension, and the Court entered an order directing her to show cause by June 10, 2019, why the case should not be dismissed for failure to prosecute or follow the scheduling order. [Doc. 21](#).

Ms. Fitch timely responded to the show-cause order and filed the motion to dismiss. [Docs. 22, 23](#). She seeks voluntarily dismissal, [Doc. 22](#), and her lawyer explains he inadvertently failed to file dismissal papers after discussing the dismissal with her. [Doc. 23](#).

After a defendant has answered a complaint, a plaintiff may voluntarily dismiss a case by filing a stipulation signed by all parties or by seeking court approval. Fed. R. Civ. P. 41(a)(1)(A)(ii), (a)(2).

Under the circumstances, the Court **discharges** the order to show cause, Doc. 21; **grants** the motion to dismiss the case, Doc. 22; **dismisses** the case; and **directs** the Clerk of Court to close the file.

**Ordered** in Jacksonville, Florida, on June 10, 2019.



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PATRICIA D. BARKSDALE  
*United States Magistrate Judge*

c: Counsel of record