

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DEBORAH PENBERTHY,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL  
SECURITY United States of  
America,

Defendant.  
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ORDER

12-cv-51-bbc

Plaintiff Deborah Penberthy filed this case on January 23, 2012. Defendant filed an answer on March 23, 2012 and a briefing schedule was established with the filing of the administrative record on March 26, 2012. When plaintiff failed to submit a brief in support of the petition for review, the magistrate judge entered an order extending plaintiff's deadline until May 25, 2012. The magistrate judge warned plaintiff that if she failed to submit a brief her complaint would be dismissed for failure to prosecute this case. It is now June 7, 2012 and plaintiff has neither filed her brief in support nor written to the court and explained her failure to do so. Accordingly, plaintiff's case will be dismissed.

ORDER

IT IS ORDERED that the action filed by plaintiff Deborah Penberthy for judicial review of an adverse decision of the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g) is DISMISSED without prejudice for plaintiff's failure to prosecute it. The clerk of court is directed to enter judgment in favor of defendant and close this case.

Entered this 7th day of June, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge