

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

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TENJA M. DANIELS,

Plaintiff,

v.

JO ANN BARNHART,  
Commissioner of Social Security,

Defendant.

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ORDER

07-C-002-C

On January 3, 2007, plaintiff Tenja M. Daniels, by her attorney, Michael T. Fitzpatrick, filed this appeal from the decision of the Commissioner of Social Security denying Daniels's application for disability benefits. Daniels did not pay the \$350 filing fee; on January 3, 2007 the clerk of court sent an invoice. Daniels has not yet paid the filing fee.

In response to the court's inquiry, the Assistant United States Attorney responsible for answering social security disability appeals has confirmed that plaintiff has not served her complaint on the commissioner, nor has plaintiff's attorney communicated with opposing counsel in any fashion.

On February 22, 2007, this court sent plaintiff's attorney a letter asking why nothing had happened in this lawsuit. The court advised counsel that it had set a telephonic status conference for March 20, 2007 at 9:45 a.m. so that counsel could explain why this case was not moving forward. Counsel did not respond to this letter, and did not call in to the court

as directed. This failure to comply with a court directive and failure to participate in a court-ordered hearing establishes that plaintiff no longer is interested in prosecuting this lawsuit. Therefore, I am dismissing this case without prejudice. Plaintiff still owes the \$350 filing fee that should have been paid on January 3, 2007.

ORDER

IT IS ORDERED that plaintiff Tenja M. Daniels's complaint is DISMISSED without prejudice. Plaintiff still must pay the \$350 filing fee, which is due to the court forthwith.

Entered this 22<sup>nd</sup> day of March, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge