

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with FED. R. APP. P. 32.1

**United States Court of Appeals**

**For the Seventh Circuit  
Chicago, Illinois 60604**

Submitted January 23, 2024\*

Decided January 24, 2024

**Before**

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 23-1887

SCOT CADEAU,  
*Plaintiff-Appellant,*

*v.*

MARTIN J. O'MALLEY, Commissioner  
of Social Security,  
*Defendant-Appellee.*

Appeal from the United States District  
Court for the Eastern District of  
Wisconsin.

No. 22-cv-0505

Brett H. Ludwig,  
*Judge.*

**ORDER**

Scot Cadeau, a claimant seeking Social Security disability benefits, appeals the dismissal of his lawsuit for failure to prosecute. The district court dismissed his case

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\* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

after he failed to comply with court directives. *See* FED. R. CIV. P. 41(b). Because the court appropriately exercised its discretion to dismiss the case, we affirm.

Cadeau has twice applied for disability benefits, alleging that he suffered from post-traumatic stress disorder because of a motor vehicle accident in 1996. His first application was denied in 2014; he did not challenge this decision in federal court. In 2016, he filed a similar but unsuccessful application based on the same period of disability. In 2022, he sought judicial review of this determination, but he submitted a brief—prepared and signed by his non-attorney representative—that asserted errors only in the 2014 proceedings. The district court struck the brief on the ground that Cadeau could not be represented in federal court by a nonlawyer. *See* 28 U.S.C. § 1654. The court, however, invited Cadeau to submit a new brief that complied with federal and local rules, as well as the court’s prior directive describing the necessary content of briefs for Social Security appeals.

Cadeau resubmitted the same brief. The court rejected the filing and gave him one more chance to file a brief that complied with court rules, warning him that his failure to do so would result in the dismissal of his suit for failure to prosecute. When Cadeau did not submit a brief by the deadline, the court dismissed his case *sua sponte* for failure to prosecute. *See* FED. R. CIV. P. 41(b); E.D. WIS. CIV. R. 41(c).

Cadeau then filed a motion for reconsideration, in which he alluded to a double bypass heart surgery and a change of address to Costa Rica. The court construed his motion as arising under Federal Rule of Civil Procedure 60(b) and denied it, concluding that Cadeau set forth no grounds for relief to disturb the judgment.

On appeal, Cadeau raises several narrow arguments, all meritless. He argues, first, that the court failed to construe his complaint as challenging the 2014 determination denying his application. But this argument is doomed because any challenge to the 2014 determination would be time-barred (applicants have only 60 days to commence a civil action challenging the Commissioner’s final decision, *see* 42 U.S.C. § 405(g), (h)). Second, Cadeau argues in his reply brief that the district court wrongly struck his brief in 2022 because he had helped prepare it. But arguments raised for the first time in a reply brief are waived, *see White v. United States*, 8 F.4th 547, 552 (7th Cir. 2021), and regardless, the court acted within its discretion to strike a brief that was signed only by a nonlawyer—who in this case had since died. *See Georgakis v. Ill. State Univ.*, 722 F.3d 1075, 1077 (7th Cir. 2013) (“A nonlawyer can’t handle a case on behalf of anyone except himself.”) (citing 28 U.S.C. § 1654). Third, Cadeau challenges

the dismissal of his case based on the court's failure to appreciate the severity of his medical circumstances. But the court acted with care and patience in the steps it took before dismissing this case—granting Cadeau multiple extensions to submit filings that complied with court rules.

Last, Cadeau appears to request that we recruit counsel for him on appeal. But based on our review of the relevant orders and submissions, we have determined that any issues that could be raised are insubstantial and that further briefing would not be helpful to the court's consideration of the issues. *See Taylor v. City of New Albany*, 979 F.2d 87 (7th Cir, 1992); *Mather v. Village of Mundelein*, 869 F.2d 356, 357 (7th Cir. 1989).

AFFIRMED