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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Elizabeth Juarez,

10 Plaintiff,

11 vs.

12 Michael Astrue,

13 Defendant.

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) No. CV 11-908-PHX-JAT

) **ORDER**

16 Pursuant to this Court’s scheduling order (Doc. 5), Plaintiff’s opening brief was due
17 December 20, 2011. Plaintiff failed to file her opening brief by the deadline. As a result, on
18 January 5, 2012, the Court set a show cause hearing for January 11, 2012 requiring Plaintiff
19 to show cause why this case should not be dismissed for failure to prosecute.¹

20 Plaintiff’s counsel filed a written response to the order to show cause, but failed to
21 appear for the January 11, 2012, hearing. To further give Plaintiff’s counsel every
22 opportunity to argue this case, the Court’s staff called Plaintiff’s counsel’s office and the
23 Court permitted Plaintiff’s counsel to appear telephonically. Plaintiff’s counsel sought an
24 extension of time to file the opening brief until February 5, 2012. The Court granted that
25 request.

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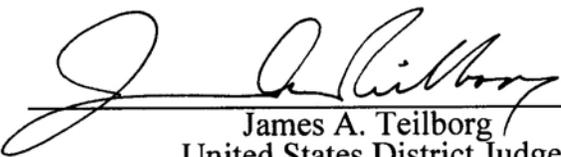
27 ¹ Specifically, the scheduling order warned that failure to file the opening brief would
28 make the case subject to dismissal for failure to prosecute under Local Rule Civil 41.1. *See*
Docs. 5 and 15.

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February 5, 2012, has now come and gone, and Plaintiff still has not filed an opening brief. Therefore,

IT IS ORDERED that this case is dismissed, without prejudice, for failure to prosecute and failure to comply with Court Orders and the Clerk of the Court shall enter judgment accordingly. *See* Doc. 5; Fed. R. Civ. Pro. 41(b); Local Rule Civil 41.1.

DATED this 9th day of February, 2012.



James A. Teilborg
United States District Judge