

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV-13-6797 -BRO (AS) Date December 1, 2014

Title Cornell Glass, Plaintiff v. Carolyn W. Colvin, Acting Commissioner of Social Security, Defendant.

Present: The Honorable Alka Sagar, United States Magistrate Judge

Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

N/A

N/A

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

On September 26, 2013, Plaintiff Cornell Glass filed a Complaint (Docket Entry No. 3). On March 3, 2014, the Court issued an Amended Case Management Order (“CMO”) setting forth, among other things, the briefing schedule to be followed by the parties in order to facilitate the adjudication of this matter (Docket Entry No. 13). Pursuant to the CMO, Plaintiff was required to file his motion for summary judgment by July 31, 2014 and the parties were to engage in a telephonic conference within 14 days of Plaintiff’s service of his motion for summary judgment. See CMO at ¶ 5 (Docket Entry No. 13). On August 19, 2014, Defendant Commissioner of Social Security filed a Status Report indicating that it cannot comply with the Court’s Order to engage in a telephonic conference because Plaintiff had not filed a motion for summary judgment. (Docket Entry No. 18). On August 22, 2014, the Court issued an Order directing Plaintiff to file his motion for summary judgment no later than September 5, 2014 in accordance with CMO issued on March 3, 2014, and further ordered the parties to engage in a telephonic conference within 14 days of Plaintiff’s service of his motion. (Docket Entry No. 19). Plaintiff was expressly warned that “failure to comply with [the Court’s] Order will result in a dismissal of this action without prejudice for failure to prosecute and obey court orders. See Fed. R. Civ. P. 41(b). Id. On September 5, 2014, Plaintiff filed a request for additional time in which to file his motion for summary judgment, (Docket Entry No. 20), and on September 8, 2014, Defendant filed a request for additional time for Plaintiff to file a motion for summary judgment or for the parties to engage in a telephonic conference (Docket Entry No. 22).

On September 9, 2014 the Court ordered Plaintiff to file his motion for summary judgment no later than November 4, 2014 and ordered the parties to engage in a good faith telephonic conference no later than November 18, 2014. (Docket Entry No. 23). The Court’s Order also warned Plaintiff that his “failure to comply with this Order will result in a dismissal of this action without prejudice for failure to prosecute and obey court orders.” Id.

On November 19, 2014, Defendant filed a status report informing the Court that it was unable to engage in a telephonic conference on November 18, 2014, as ordered by the Court, because Plaintiff had

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not filed his motion for a summary judgment. (Docket Entry No. 24).

Therefore, Plaintiff is ORDERED TO SHOW CAUSE, within **fourteen (14) days** of the date of this Order, why this action should not be dismissed with prejudice for failure to prosecute and failure to comply with the Court's prior Orders. Alternatively, Plaintiff may discharge this Order to Show Cause by filing a motion for summary judgment or remand no later than noon on December 15, 2014 (with a courtesy copy delivered directly to Magistrate Judge Sagar's chambers on the Ninth Floor of the Courthouse at 312 N. Spring Street, Los Angeles, California 90012). If Plaintiff timely files his motion, the Court will consider it to be a satisfactory response to this Order to Show Cause and vacate the Order. The dates set forth in the CMO will be extended accordingly.

Plaintiff is admonished that his failure to satisfactorily respond to this Order will result in a recommendation that this action be dismissed with prejudice for failure to prosecute and failure to comply with the Court's Orders. See Fed. R. Civ. P. 41(b).