

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	EDCV 15-193-KK	Date	December 9, 2015
Title	Ida Espino v. Carolyn W. Colvin		

Present: The Honorable	Kenly Kiya Kato, United States Magistrate Judge
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Deb Taylor Deputy Clerk	None Court Reporter / Recorder	None Tape No.
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Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None Present

None Present

Proceedings: **(In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute and Comply With Court Orders**

I.
PROCEDURAL HISTORY

On January 1, 2015, Ida Espino (“Plaintiff”) filed a complaint challenging the denial of her applications for Title II Disability Insurance Benefits and Title XVI Supplemental Security Income by Carolyn W. Colvin, the Commissioner of the Social Security Administration (“Defendant”). ECF Docket No. (“Dkt.”) 1.

On February 17, 2015, the Court issued a Case Management Order setting various dates, including the date by which the parties were to file their Joint Stipulation. Dkt. 9.

On September 22, 2015, Plaintiff filed a Stipulation to Extend Briefing Schedule, in which the parties agreed to file their Joint Stipulation on or before December 7, 2015. Dkt. 17 at 2. On September 23, 2015, the Court approved the Stipulation to Extend Briefing Schedule and ordered the Joint Stipulation due on or before December 7, 2015. Dkt. 18.

December 7, 2015 has now passed, and neither party has filed the Joint Stipulation or requested an extension of time to do so.

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II.
DISCUSSION

Under Federal Rule of Civil Procedure 41(b), the Court may dismiss an action with prejudice for failure to prosecute or failure to comply with any court order. See Fed. R. Civ. P. 41(b).

Here, the parties have failed to file a Joint Stipulation as ordered by the Court's September 23, 2015 Order. Consequently, under Rule 41(b), the Court may properly dismiss the instant action with prejudice for failure to prosecute and comply with a court order. However, before dismissing this action, the Court will afford Plaintiff an opportunity to explain the failure to file a Joint Stipulation.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE**, in writing, why this action should not be dismissed for failure to prosecute and/or comply with court orders. Plaintiff shall have up to and including **December 14, 2015**, to respond to this Order. Failure to timely file a response to this Order will be deemed by the Court as consent to the dismissal of this action with prejudice.