

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	EDCV 15-262-KK	Date	October 28, 2015
Title	Kevin McNichols 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 February 11, 2015, Kevin McNichols, filed a complaint challenging the denial of his application for Title II Disability Insurance Benefits by the Commissioner of the Social Security Administration. ECF No. 1.

On February 13, 2015, the Court issued a Case Management Order setting various dates, including the date by which the parties were to file their Joint Stipulation. ECF No. 9.

The date by which the parties were to have filed their Joint Stipulation – pursuant to the Case Management Order – has now passed. The parties have not filed the Joint Stipulation, nor requested an extension of time to do so.

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, Plaintiff has failed to file a Joint Stipulation as ordered by the Court.

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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 his 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 **November 5, 2015**, to respond to this Order. Plaintiff is cautioned that 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.