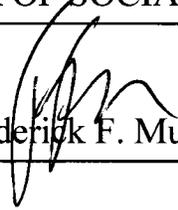


UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. EDCV 15-1782 JFW (FFM) Date January 12, 2017

Title JEAN ANNE WARING v. CAROLYN W. COLVIN, ACTING  
COMMISSIONER OF SOCIAL SECURITY

Present: The Honorable  Frederick F. Mumm, United States Magistrate Judge

James Munoz

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None present

None present

**Proceedings: ORDER TO SHOW CAUSE WHY THIS CASE SHOULD  
NOT BE DISMISSED**

On September 1, 2015, plaintiff Jean Anne Waring (“plaintiff”) filed a complaint (the “Complaint”) for review of the decision of the Acting Commissioner of Social Security denying benefits. (Docket No. 1.) On September 25, 2015, the Court issued a case management order (the “CMO”). (Docket No. 7.) In pertinent part, the CMO directed plaintiff to file a motion for summary judgment or remand within thirty (30) days of the defendant’s filing of her answer to the Complaint. (*Id.* at 3.)

Defendant filed her answer (the “Answer”) on November 10, 2016. (Docket No. 20.) Plaintiff’s motion for summary judgment or remand was thus due on or before December 10, 2016. As of the date of this order, plaintiff has not filed such a motion. (*See generally* Docket.)

Plaintiff’s failure to file a motion for summary judgment or remand within 30 days of the Answer constitutes a failure to prosecute and a violation of the Court’s CMO. Both are reasons for which the Complaint may be dismissed. *See Pagtalunan v. Galaza*, 291 F.3d 639, 640-43 (9th Cir. 2002) (affirming district court’s *sua sponte* dismissal of habeas petition with prejudice “for failure to prosecute and failure to comply with a court order”).

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. EDCV 15-1782 JFW (FFM) Date January 12, 2017

Title JEAN ANNE WARING v. CAROLYN W. COLVIN, ACTING  
COMMISSIONER OF SOCIAL SECURITY

Based on the foregoing, plaintiff is ordered to show cause, in writing and within fourteen (14) days of this Order, why the Complaint should not be dismissed for failure to prosecute and for failure to comply with a court order. Alternatively, plaintiff may satisfy this Order if she files a motion for summary judgment or remand within thirty days (30) of the date of this Order.

IT IS SO ORDERED.

Initials of  
Preparer

\_\_\_\_\_  
:\_\_\_\_\_  
JM  
\_\_\_\_\_