

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 22-1891-KK**

Date: November 15, 2023

Title: ***Sandra D.¹ v. Kilolo Kijakazi***Present: The Honorable **KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE****RACHEL MAURICE**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

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.
BACKGROUND**

On October 27, 2022, plaintiff Sandra D. (“Plaintiff”) filed a Complaint challenging the denial of her application for Title II Disability Insurance Benefits by the Commissioner of the Social Security Administration (“Defendant”). ECF Docket No. (“Dkt.”) 1.

On January 5, 2023, the Court issued a Case Management Order (“CMO”) setting a schedule for the preparation and filing of the Joint Stipulation. Dkt. 8 at 6-8.

On May 15, 2023, Defendant lodged a copy of the Certified Administrative Record with the Court. Dkt. 18. Pursuant to the Court’s CMO, the Joint Stipulation was, therefore, due no later than August 7, 2023. See dkt. 8 at 6-8.

On June 29, 2023, the Court granted the parties’ first stipulation to continue the deadline for filing the Joint Stipulation to October 11, 2023. Dkt. 20.

¹ Partially redacted in compliance with Federal Rule of Civil Procedure 5.2(c)(2)(B) and the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States.

On October 11, 2023, the Court granted the parties' second stipulation to continue the deadline for filing the Joint Stipulation to November 4, 2023. Dkt. 22.

On November 8, 2023, the Court granted the parties' third stipulation to continue the deadline for filing the Joint Stipulation to November 13, 2023. Dkt. 25.

As of the date of this Order, the parties have not filed a Joint Stipulation as required by the Court's November 8, 2023 Order.

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 not filed a Joint Stipulation as required by the Court's November 8, 2023 Order. See dkt. 25. Consequently, under Rule 41(b), the Court may properly dismiss the instant action without prejudice for failure to prosecute and comply with a court order. Before dismissing this action, however, the Court will afford Plaintiff an opportunity to explain the failure to comply with the Court's Order.

III. ORDER

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 22, 2023**, to respond to this Order. **Plaintiff is cautioned that failure to timely file a response to this Order will be deemed by the Court consent to the dismissal of this action without prejudice.**

IT IS SO ORDERED.