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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

ANTHONY JONES,)	1:06-cv-01693-OWW-TAG
)	
Plaintiff,)	ORDER TO SHOW CAUSE RE:
)	FAILURE TO FILE RESPONSIVE
v.)	BRIEF AS ORDERED
)	
MICHAEL J. ASTRUE, Commissioner,)	
)	
Defendant.)	

On November 16, 2006, Plaintiff filed the present action for judicial review of the denial of Social Security benefits. (Docs. 1, 2.) On June 25, 2007, the parties stipulated to a remand pursuant to sentence six of 42 U.S.C. § 405(g) because the claim file and recording of the hearing before the Administrative Law Judge could not be located. (Doc.16.) On June 26, 2007, the Court remanded the case for further proceedings and ordered that status reports be filed at ninety-day intervals thereafter in the event the claim file was not timely located. (Doc. 17.) No status reports were filed. (See docket.) On July 25, 2008, Defendant lodged the administrative record with the Court. (Doc. 20.)

By order dated September 11, 2008, the Court amended its previous scheduling order to provide that Plaintiff’s opening brief was to be filed with the Court and served on Defendant on or before October 10, 2008; Defendant’s responsive brief was to be filed with the Court and served on Plaintiff within thirty (30) days after service of Plaintiff’s opening brief; and Plaintiff’s reply brief was to be filed with the Court and served on Defendant within fifteen (15) days after service of Defendant’s responsive brief. (Doc. 24.)

1 On December 5, 2008, Plaintiff filed with the Court and served on Defendant the Plaintiff's
2 opening brief. (Doc. 29.) Pursuant to the Court's amended scheduling order, Defendant's
3 responsive brief was due on or before January 5, 2009. Defendant has failed to file its responsive
4 brief as ordered.

5 Therefore, Defendant is ORDERED TO SHOW CAUSE, if any he has, why sanctions should
6 not be issued for failure to comply with the Court's September 11, 2008 order. (Doc. 24). Defendant
7 is ORDERED to file a written response to this order to show cause within ten (10) days of the date of
8 service of this order to show cause. Failure to show good cause will result in the imposition of
9 sanctions. In the event Defendant files his responsive brief on or before February 2, 2008, this order
10 to show cause will be discharged.

11
12 IT IS SO ORDERED.

13 Dated: January 21, 2009
14 _____

/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE