

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

ANTHONY JONES, ) 1:06-cv-01693-OWW-TAG  
Plaintiff, ) ORDER DISCHARGING  
vs. ) ORDER TO SHOW CAUSE  
MICHAEL J. ASTRUE, Commissioner, ) (Doc. 33)  
Defendant. )

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

22 On July 25, 2008, Defendant lodged the administrative record with the Court. (Doc. 20.)

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

1 Defendant's responsive brief. (Doc. 24.) On December 5, 2008, Plaintiff filed with the Court and  
2 served on Defendant the Plaintiff's opening brief. (Doc. 29.) Pursuant to the Court's amended  
3 scheduling order, Defendant's responsive brief was due on or before January 5, 2009.

4 As of January 22, 2009, Defendant had failed to file its responsive brief (*see* Docket sheet)  
5 and on that date, this Court issued an order to show cause why sanctions should not be imposed for  
6 failure to comply with the Court's September 11, 2008 order. (Doc. 33.) The order to show cause  
7 also provided that if Defendant filed its responsive brief on or before February 2, 2009, the order to  
8 show cause would be discharged. (*Id.*) On January 23, 2009, Defendant filed a response to the order  
9 to show cause. (Doc. 34). On February 2, 2009, Defendant filed an opposition to Plaintiff's opening  
10 brief. (Doc. 35).

11 The Court has read and considered Defendant's response to the order to show cause, and  
12 notes that Defendant's opposition to Plaintiff's opening brief was filed by February 2, 2009. Based  
13 on the timely filing of the latter, the Court finds that good cause exists to discharge the order to show  
14 cause.

15 Accordingly, it is HEREBY ORDERED that the Court's January 22, 2009 order to show  
16 cause (Doc. 33) is DISCHARGED.

17  
18 IT IS SO ORDERED.

19 Dated: February 4, 2009

20 \_\_\_\_\_ /s/ **Theresa A. Goldner**  
21 \_\_\_\_\_ UNITED STATES MAGISTRATE JUDGE  
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