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

DIANA L. WEST,	)	1:07-cv-01049-TAG
	)	
Plaintiff,	)	ORDER TO SHOW CAUSE WHY
	)	SANCTIONS SHOULD NOT BE
vs.	)	IMPOSED FOR FAILURE TO
	)	FILE RESPONSIVE BRIEF
MICHAEL J. ASTRUE, Commissioner,	)	
	)	
Defendant.	)	
	)	

On July 20, 2007, Plaintiff Diana L. West (“Plaintiff”) filed the present action for judicial review of the denial of Social Security benefits. (Doc. 1.) On July 23, 2007, the Court issued a Scheduling Order. (Doc. 5.) The Scheduling Order states that within thirty (30) days after service of the administrative record, Plaintiff shall serve on Defendant a letter brief outlining why remand is warranted, to which Defendant shall respond within thirty-five (35) days. (*Id.*) Thereafter, if Defendant does not stipulate to remand, Plaintiff must file and serve an opening brief within thirty (30) days of Defendant’s responsive letter; Defendant must file and serve its responsive brief within thirty (30) days after service of Plaintiff’s opening brief. (*Id.*) The Scheduling Order explains that “[v]iolations of this order or of the federal or local rules of procedure may result in sanctions pursuant to Local Rule 11-110.” (*Id.*)

On October 16, 2008, Plaintiff filed and served her opening brief. (Doc. 22.) Upon stipulation of the parties, this Court granted Defendant an extension of time within which to file its

1 responsive brief to December 18, 2008. (Doc. 24.) To date, Defendant has failed to file its  
2 responsive brief. (See Docket Sheet.)

3 Therefore, Defendant is ORDERED TO SHOW CAUSE in writing, no later than February  
4 12, 2009, why sanctions should not be imposed for Defendant's failure to file and serve its  
5 responsive brief and to otherwise comply with this Court's orders. This Court will vacate this Order  
6 to Show Cause if Defendant files and serves its responsive brief no later than February 10, 2009.

7 **Defendant is admonished that failure to timely comply with this order will result in the**  
8 **imposition of sanctions at the discretion of the Court.**

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10 IT IS SO ORDERED.

11 Dated: January 22, 2009

/s/ Theresa A. Goldner  
UNITED STATES MAGISTRATE JUDGE

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