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

DARRIUS BURTON,

CASE NO. 1:07-cv-01481 JLT

Plaintiff,

ORDER DISCHARGING ORDER TO SHOW  
CAUSE  
(Doc. 34)

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security

Defendant.

\_\_\_\_\_/

On October 9, 2007, Plaintiff filed a complaint seeking reversal of the Social Security Agency’s determination to deny him benefits. (Doc. 1). On February 20, 2008, pursuant to a stipulation of the parties, the Court directed remand of this matter to the Commissioner pursuant to sentence six, 42 U.S.C. § 405(g), for further proceedings. (Doc. 15). In that order, the Court directed the parties “to file . . . a Joint Status Report, every sixty (60) days from the date of this order. The Joint Status Report shall summarize the actions of both parties, and the assigned Administrative Law Judge, to cause this case to be completed in a prompt and efficient manner, and shall include, without limitation, a description of what actions have been taken and when they were accomplished, and what further actions will be taken and when they will be accomplished.” (Id. at 2). The Court further warned the parties that failure to comply with this requirement could result in the imposition of sanctions. (Id.)

On April 30, 2010 the Court issued an Order to Show Cause why sanctions should not be

1 imposed for the parties' failure to comply with the requirement that the parties file status reports every  
2 60 days. On May 19, 2010 the parties filed a response indicating that administrative failings caused by  
3 transfers of this and other cases within the offices of both Plaintiff's and Defendant's counsel resulted  
4 in the parties' failure to file timely status reports. (See Doc. 36).

5 Counsel are reminded that the requirement to file status reports every 60 days is for the purpose  
6 of facilitating completion of this case in a prompt and efficient manner. With that admonition, and in  
7 light of the parties' timely response, the Order to Show Cause will be discharged.

8 In the new status report, the parties indicate that the ALJ issued a new decision in this case in  
9 December, 2009, finding that Plaintiff was not disabled. (Doc. 34 at 2). The parties further state that  
10 Plaintiff requested review before the Appeals Council and that on March 19, 2010, the Appeals Council  
11 remanded the matter back to the ALJ for a new hearing. (Id.) The new hearing has not yet been held.  
12 The parties are ordered to take all reasonable steps to ensure that this hearing is scheduled and completed  
13 as soon as practicable.

14 Accordingly, IT IS HEREBY ORDERED that the Order to Show Cause is discharged.

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16 IT IS SO ORDERED.

17 Dated: May 20, 2010

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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