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

JASON D. ENNIS, )  
 )  
 Plaintiff, )  
 \_\_\_\_\_ )  
 v. \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 MICHAEL J. ASTRUE, )  
 Commissioner of Social Security, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. 1:07-cv-01792-TAG

ORDER TO SHOW CAUSE WHY  
SANCTIONS SHOULD NOT BE  
IMPOSED FOR FAILURE TO FILE  
OPENING BRIEF

Plaintiff Jason D. Ennis (“Plaintiff”), represented by counsel, seeks judicial review of an administrative decision denying Plaintiff’s claim for benefits under the Social Security Act.

This Court issued its December 11, 2007 Scheduling Order requiring Plaintiff to serve on Defendant Michael J. Astrue (“Defendant”) a letter brief within 30 days of service of the administrative record. (Doc. 6.) Defendant’s responsive letter brief is required to be served within 35 days, after which Plaintiff has 30 days within which to file an opening brief (assuming no stipulation for a remand is filed with the Court within 15 days after service of Defendant’s responsive brief). (*Id.*) The Scheduling Order explains to plaintiff 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.” (Doc. 6).

On September 18, 2008, Defendant filed its notice of lodging of the administrative record to initiate the briefing. (Doc. 14). This Court calculates December 22, 2008 as the deadline for Plaintiff to file and serve his opening brief, pursuant to this Court’s Scheduling Order. To date, Plaintiff’s opening brief has not been filed with the Court and/or served on the Defendant as required

1 to comply with this Court's orders.

2 Accordingly, this Court ORDERS Plaintiff, no later than February 6, 2009, to show cause, in  
3 writing, why sanctions, including dismissal of this action, should not be imposed for Plaintiff's  
4 failure to file an opening brief. This Court will vacate this Order to Show Cause if Plaintiff files and  
5 serves his opening brief no later than February 4, 2009.

6 **Plaintiff is admonished that failure to timely comply with this order will result in**  
7 **dismissal of this action.**

8  
9 IT IS SO ORDERED.

10 Dated: January 22, 2009

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11 /s/ **Theresa A. Goldner**  
12 UNITED STATES MAGISTRATE JUDGE

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