

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

9 PHYLLIS L. FATH,) Case No. 1:08-cv-00702-0WW-TAG
10 Plaintiff,)
11 v.)
12 MICHAEL J. ASTRUE,) ORDER TO SHOW CAUSE WHY
13 Commissioner of Social Security,) SANCTIONS SHOULD NOT BE
14 Defendant.) IMPOSED FOR FAILURE TO LODGE
ADMINISTRATIVE RECORD

15 Plaintiff Phyllis F. Fath (“Plaintiff”), represented by counsel, seeks judicial review of an
16 administrative decision denying Plaintiff’s claim for benefits under the Social Security Act.

17 On May 21, 2008, Plaintiff filed her first amended complaint. (Doc. 9.) On that same date,
18 the Court issued a scheduling order (Doc. 8). The scheduling order directs Defendant Michael J.
19 Astrue (“Defendant”) to “serve a copy of the administrative record on [Plaintiff] and file it with the
20 court” within 120 days after being served with the complaint. The scheduling order explains that
21 “[v]iolations of this order or of the federal or local rules of procedure may result in sanctions
22 pursuant to Local Rule 11-110.”

23 Plaintiff filed her proof of service of summons and complaint on June 4, 2008, stating that
24 the requisite documents were served on Defendant on June 3, 2008. (Doc. 10.) The Court calculates
25 October 1, 2008 as the deadline for Defendant to file and serve the administrative record. To date,
26 the administrative record has not been lodged. (See Docket Sheet.)

27 Accordingly, this Court ORDERS Defendant, no later than February 11, 2009, to show cause,
28 in writing, why sanctions should not be imposed for Defendant's failure to file and serve the

1 administrative record and to comply with this Court's orders. This Court will vacate this order to
2 show cause if Defendant lodges and serves the administrative record by February 10, 2009.

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4 IT IS SO ORDERED.

5 Dated: January 22, 2009

/s/ Theresa A. Goldner
6 UNITED STATES MAGISTRATE JUDGE

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