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

FRANK DONEZ,)
)
Plaintiff,)
)
vs.)
)
MICHAEL J. ASTRUE, Commissioner)
of Social Security,)
)
Defendant.)
_____)

1:08-cv-00956 GSA

ORDER TO SHOW CAUSE

On July 8, 2008, Plaintiff filed the present action in this Court. Plaintiff seeks review of the Commissioner’s denial of an application for benefits. On July 10, 2008, the Court issued a Scheduling Order. (Doc. 6.) The Scheduling Order states that within 120 days after service, Defendant shall file and serve a copy of the administrative record which shall be deemed an answer to the complaint. The Order also provides that within 30 days after service of the administrative record, Plaintiff shall serve on Defendant a letter brief outlining why remand is warranted which Defendant shall respond to within 35 days. In the event Defendant does not stipulate to remand, within 30 days of Defendant’s response, Plaintiff must file and serve an opening brief. Thereafter, Defendant is to file a response to Plaintiff’s opening brief. (Doc. 6, ¶ 7.)

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1 On November 17, 2008, Defendant lodged the administrative record. (Doc. 11.) On March
2 9, 2009, Plaintiff filed his opening brief. (Doc. 14.) This Court approved a stipulation and signed an
3 order on April 6, 2009, wherein Defendant was granted a first extension of time within which to
4 respond to Plaintiff's brief. The response was to be filed by May 8, 2009. (Doc. 16.) On May 11,
5 2009, Defendant moved for a 30-day extension of time to June 7, 2009 (Doc. 17), and this Court
6 again approved a stipulation and executed an order allowing Defendant a second extension of time
7 within which to respond to Plaintiff's brief. Defendant's response was due June 7, 2009. (Doc. 18.)

8 Defendant has failed to file an opposition brief and the parties have not stipulated to an
9 extension of time for such filing.

10 Therefore, Defendant is ordered to show cause, why sanctions should not be imposed for a
11 failure to comply with the Stipulation and Order for Second Extension for Defendant to File
12 Opposition Brief to Plaintiff's Opening Brief. Defendant is ORDERED to file a written response to
13 this Order to Show Cause WITHIN twenty (20) days of the date of this Order. If Defendant desires
14 more time to file a brief, it should so state in the response.

15 Failure to respond to this Order to Show Cause within the time specified will result in
16 sanctions.

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20 IT IS SO ORDERED.

21 Dated: July 1, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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