

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

JENNIFER SAVIEN PHOU,

1:08cv0957 DLB

Plaintiff,

ORDER TO SHOW CAUSE

vs.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Plaintiff is proceeding pro se in this action for judicial review of the denial of Social Security benefits, filed on July 8, 2008. On July 10, 2008, the Court issued a Scheduling Order. 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. Thereafter, if Defendant does not stipulate to remand, within 30 days of Defendant's response, Plaintiff must file and serve an opening brief.

1 On November 11, 2008, Defendant lodged the administrative record. Pursuant to the  
2 Scheduling Order, Plaintiff was required to file her brief on or before February 14, 2009. However,  
3 on February 24, 2009, the Court granted Plaintiff's attorney's motion to withdraw as counsel.  
4 Plaintiff was substituted in pro se and the dates in the Scheduling Order were extended 45 days "for  
5 Plaintiff to find new counsel, continue the action in pro se, or dismiss the action."

6 Plaintiff has not informed the Court of new counsel, nor has she indicated that she wants to  
7 dismiss the action. An opening brief was therefore due on or about April 3, 2009. To date, Plaintiff  
8 has not filed her brief.

9 Therefore, Plaintiff is ORDERED TO SHOW CAUSE, if any she has, why the action should  
10 not be dismissed for failure to comply with the Court's orders. Plaintiff is ORDERED to file a  
11 written response to this Order to Show Cause within twenty (20) days of the date of this Order. If  
12 Plaintiff desires more time to file her brief or wishes to dismiss this action, she should so state in her  
13 response.

14 Failure to respond to this Order to Show Cause will result in dismissal of this action.

15  
16 IT IS SO ORDERED.

17 Dated: April 20, 2009

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE