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

PARIS L.HAIRSTON,	)	1:08-cv-01740 GSA
	)	
	)	ORDER TO SHOW CAUSE
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
MICHAEL J. ASTRUE, Commissioner,	)	
	)	
Defendant.	)	

On October 22, 2008, Plaintiff filed the present action in this Court. Plaintiff seeks review of the Commissioner’s denial of disability benefits. On November 13, 2008, the Court issued a Scheduling Order. (Doc. 7). 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.

On or about March 17, 2009, Defendant lodged the administrative record. Pursuant to the Scheduling Order, Plaintiff was required to file the opening brief in this Court on or before June 22, 2009. On June 26, 2009, the parties filed a stipulation to continue Plaintiff’s deadline for filing the

1 opening brief on or before August 26, 2009. The court granted this request on June 26, 2009.  
2 Plaintiff has failed to file the opening brief by August 26, 2009, pursuant to the stipulation and order.

3 Therefore, Plaintiff is ordered to show cause why the action should not be dismissed for  
4 failure to comply with the court's June 26, 2009, order. Plaintiff is ORDERED to file a written  
5 response to this Order to Show Cause WITHIN twenty (20) days of the date of this Order. If  
6 Plaintiff desires more time to file the brief, Plaintiff should so state in the response.

7 Failure to respond to this Order to Show Cause within the time specified will result in  
8 dismissal of this action.

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IT IS SO ORDERED.

**Dated: September 24, 2009**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE