

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

1 KEVIN T. KLAY,) 1:09cv0646 DLB
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5 Plaintiff,) ORDER TO SHOW CAUSE
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8 v.)
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13 MICHAEL J. ASTRUE,)
14 Commissioner of Social Security,)
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17 On April 9, 2009, Plaintiff filed the present action for judicial review of the denial of
18 Social Security benefits. On April 10, 2009, the Court issued a Scheduling Order. The
19 Scheduling Order states that within 120 days after service, Defendant shall file and serve a copy
20 of the administrative record, which shall be deemed an answer to the complaint. The Order also
21 provides that within 30 days after service of the administrative record, Plaintiff shall serve on
22 Defendant a letter brief outlining why remand is warranted. Defendant shall respond to the letter
23 within 35 days. Thereafter, if Defendant does not stipulate to remand, Plaintiff must file and
24 serve an opening brief within 30 days of Defendant's response.

25 On September 9, 2009, Defendant filed the administrative record. On December 23,
26 2009, the Court granted Plaintiff until January 15, 2010, to file his opening brief. On February
27 17, 2010, the Court granted attorney Denise Bourgeois Haley's motion to withdraw as attorney of
28 record for Plaintiff and substituted Plaintiff pro se. The dates in the Scheduling Order were

1 extended 45 days. Plaintiff's opening brief was due on or before March 29, 2010. Plaintiff has
2 failed to file his brief.

3 Therefore, Plaintiff is ordered to show cause, if any he has, why this action should not be
4 dismissed for failure to comply with the April 10, 2009, Scheduling Order and the Court's
5 February 17, 2010, order. Plaintiff is ORDERED to file a written response to this Order to Show
6 Cause WITHIN twenty (20) days of the date of this Order. If Plaintiff desires more time to file
7 his brief, he should so state in his response.

8 Failure to respond to this Order to Show Cause will result in dismissal of this action.
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10 IT IS SO ORDERED.

11 Dated: April 19, 2010

/s/ Dennis L. Beck

12 UNITED STATES MAGISTRATE JUDGE
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