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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD LAWRENCE,)	1:09-cv-00862-JLT
)	
Plaintiff,)	
v.)	
)	ORDER TO SHOW CAUSE WHY
MICHAEL J. ASTRUE,)	SANCTIONS SHOULD NOT BE IMPOSED
Commissioner of Social Security,)	FOR FAILURE TO FILE AN OPENING
)	BRIEF
Defendant.)	(Doc. 17)

Plaintiff Richard Lawrence (“Plaintiff”) seeks judicial review of a final decision of the Commissioner of Social Security denying his application for Supplemental Security Income benefits pursuant to Titles II and XVI of the Social Security Act. The parties have consented to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1), and the matter has been assigned to the Magistrate Judge to conduct all further proceedings in this case, including entry of final judgment.

Plaintiff filed his complaint on May 8, 2009. On May 18, 2009, the Court served Plaintiff with a scheduling order in which the Court ordered that Plaintiff’s opening brief was due 95 days after the date of the filing of the administrative record, which was deemed to be the defendant’s answer to the complaint. The administrative record was filed on October 20, 2009. Thus, Plaintiff’s opening brief was due on January 25, 2010. However, pursuant to a stipulation of the parties, the Court granted Plaintiff until April 2, 2010, to file an opening brief with Defendant’s

1 responsive brief due May 3, 2010. (Doc. 17). As of April 5, 2010, Plaintiff has not filed an
2 opening brief nor sought leave of court for additional time.

3 A failure to comply with an order of the Court may result in sanctions, including
4 dismissal, pursuant to the inherent power of the Court or the Federal Rules of Civil Procedure.
5 Fed.R.Civ.P. 41(b), 11; Local Rule 110; Chambers v. NASCO, Inc., 501 U.S. 31, 42-43 (1991).

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. Plaintiff, within 15 days of service of this order, show cause in writing why
8 sanctions, including dismissal of this action, should not be imposed for his failure
9 to file an opening brief and to comply with this Court's orders;
- 10 2. The Court will vacate this Order to Show Cause if Plaintiff files and serves his
11 opening brief within 15 days of service of this order; and
- 12 3. Plaintiff is admonished that the failure to timely comply with this order will
13 result in dismissal of this action.

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16 IT IS SO ORDERED.

17 Dated: April 7, 2010

18 /s/ Jennifer L. Thurston
19 UNITED STATES MAGISTRATE JUDGE
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