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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEONARD CARILLO,)	1:09-cv-00904-JLT
)	
Plaintiff,)	
v.)	
)	ORDER TO SHOW CAUSE WHY
MICHAEL J. ASTRUE,)	COMPLAINT SHOULD NOT BE
Commissioner of Social Security,)	DISMISSED FOR PLAINTIFF’S FAILURE
)	TO PROSECUTE BY FILING AN
Defendant.)	OPENING BRIEF AND FAILURE TO
)	COMPLY WITH SCHEDULING ORDER
)	OF THE COURT
)	(Doc. 5)

Plaintiff Leonard Carillo (“Plaintiff”) seeks judicial review of a final decision of the Commissioner of Social Security denying his application for Disability Insurance benefits pursuant to Title II and Supplemental Security Income benefits pursuant to Title 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 21, 2009. On May 22, 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 September 30,

1 2009; thus, Plaintiff's opening brief was due January 4, 2010. However, nearly three months
2 have passed since the due date, but no brief has been filed. Further, no request for an extension of
3 time has been filed.

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

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. Within fifteen (15) days of the date of service of this order, Plaintiff shall show
9 cause in writing why this action should not be dismissed for failure to file a timely
10 opening brief pursuant to the Court's scheduling order and for failure to obey the
11 Court's order; Plaintiff shall show cause in writing because the Court has
12 determined that no hearing is necessary; and
- 13 2. Plaintiff is informed that the failure to file a timely response to this order will
14 result in dismissal of this action.

15
16 IT IS SO ORDERED.

17 Dated: March 31, 2010

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