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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

SHOUA XIONG,	)	1:09cv0928 DLB
	)	
Plaintiff,	)	ORDER TO SHOW CAUSE
	)	
v.	)	
	)	
MICHAEL J. ASTRUE, Commissioner of Social Security,	)	
	)	
Defendant.	)	

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On May 22, 2009, Plaintiff filed the present action for judicial review of the denial of Social Security benefits.

On May 28, 2009, 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 October 20, 2009, Defendant lodged the administrative record. Pursuant to the  
2 Scheduling Order, Plaintiff was required to file an opening brief on or about January 25, 2010.  
3 To date, Plaintiff has not filed an opening brief.

4 Therefore, Plaintiff is ORDERED TO SHOW CAUSE, if any, why the action should not  
5 be dismissed for failure to comply with the Court's orders. Plaintiff is ORDERED to file a  
6 written response to this Order to Show Cause within twenty (20) days of the date of this Order.  
7 If Plaintiff desires more time to file an opening brief or wishes to dismiss this action, Plaintiff  
8 should so state in the response.

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

10  
11  
12 IT IS SO ORDERED.

13 **Dated: February 17, 2010**

**/s/ Dennis L. Beck**  
**UNITED STATES MAGISTRATE JUDGE**