

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

SHOUA XIONG,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

1:09cv0928 DLB

ORDER DISCHARGING ORDER
TO SHOW CAUSE
(Document 13)

ORDER GRANTING STIPULATION
TO EXTEND TIME
(Document 15)

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

On February 17, 2010, the Court issued an order to show cause why the action should not be dismissed for Plaintiff's failure to file an opening brief. Plaintiff responded to the order on February 26, 2010, and explains that the delay was due, in part, to faxing the voluntary remand brief to the Assistant United States Attorney and not the Assistant Regional Counsel's Office and failing to calendar the response date for the Commissioner's answer to the voluntary remand brief.

Plaintiff's counsel now has sent the voluntary remand letter to Assistant Regional Counsel, who has requested an extension of time to respond. The parties also concurrently filed a stipulation to extend the time for the Commissioner to respond to the voluntary remand letter and to extend the

1 time for Plaintiff to file an opening brief.

2 Based on Plaintiff's response, the order to show cause is DISCHARGED. The parties'
3 request for an extension of time is GRANTED. Defendant's response to the confidential letter brief
4 SHALL be submitted on or before March 24, 2010. Plaintiff's opening brief shall be filed on or
5 before April 7, 2010.

6
7 IT IS SO ORDERED.

8 **Dated: February 27, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE