

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

JENNY BALLIN,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant.

1:09-cv-953 GSA

ORDER TO SHOW CAUSE

On May 22, 2009, Plaintiff filed the present action in this Court. Plaintiff seeks review of the Commissioner's denial of her application for disability benefits. On June 2, 2009, the Court issued a Scheduling Order. (Doc. 7). 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. In the event Defendant does not stipulate to remand, within 30 days of Defendant's response, Plaintiff must file and serve an opening brief. Thereafter, Defendant is to file a response to Plaintiff's opening brief within thirty days. (Doc. 7, ¶ 7).

//

//

1 On October 13, 2009, Defendant lodged the administrative record. (Doc. 11). On February  
2 5, 2010, the Court granted a joint request signed by the parties stating that Plaintiff would file her  
3 opening brief no later than March 8, 2010, and all other deadlines contained in the scheduling order  
4 remain in effect. (Doc. 14). Plaintiff filed her opening brief on March 5, 2010 (Doc. 15).  
5 Defendant's opposition brief was due April 5, 2010. To date, Defendant has failed to file an  
6 opposition brief and the parties have not stipulated to an extension of time for such filing.

7 Therefore, Defendant is ordered to show cause why sanctions should not be imposed for a  
8 failure to comply with the Order signed on February 5, 2010. Defendant is ORDERED to file a  
9 written response to this Order to Show Cause WITHIN twenty (20) days of the date of this Order. If  
10 Defendant desires more time to file a brief, it should so state in the response.

11 Failure to respond to this Order to Show Cause could result in the imposition of sanctions.  
12  
13  
14

15 IT IS SO ORDERED.

16 Dated: April 19, 2010

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE