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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	CONNEL LITTLES, by and through his guardian ad litem, JANET BUTLER,)	1:09-cv-00991-JLT
12 13	Plaintiff, v.)))) ORDER TO SHOW CAUSE WHY) COMPLAINT SHOULD NOT BE
14 15	MICHAEL J. ASTRUE, Commissioner of Social Security,))))	DISMISSED FOR PLAINTIFF'S FAILURE TO PROSECUTE BY FILING AN OPENING BRIEF AND FAILURE TO
16 17	Defendant.))	COMPLY WITH SCHEDULING ORDER OF THE COURT (Doc. 8)

Plaintiff Connel Littles, by and through his guardian ad litem, Janet Butler, seeks judicial review of a final decision of the Commissioner of Social Security denying his application for 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 June 5, 2009. On June 8, 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 7, 2009; thus,

Plaintiff's opening brief was due January 11, 2010. However, nearly three months have passed
 since the due date, but no brief has been filed. Further, no request for an extension of time has
 been filed.

A failure to comply with an order of the Court may result in sanctions, including
dismissal, pursuant to the inherent power of the Court or the Federal Rules of Civil Procedure.
Fed.R.Civ.P. 41(b), 11; Local Rule 110; <u>Chambers v. NASCO, Inc.</u>, 501 U.S. 31, 42-43 (1991).
Accordingly, it is HEREBY ORDERED that:

Within fifteen (15) days of the date of service of this order, Plaintiff shall show
cause in writing why this action should not be dismissed for failure to file a timely

cause in writing why this action should not be dismissed for failure to file a timely opening brief pursuant to the Court's scheduling order and for failure to obey the Court's order; Plaintiff shall show cause in writing because the Court has determined that no hearing is necessary; and

2. Plaintiff is informed that the failure to file a timely response to this order will result in dismissal of this action.

16 IT IS SO ORDERED.

Dated: March 31, 2010

/s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE