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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10 JOSE A. JIMENEZ, II,) 1:09-cv-01371 GSA
11)
12 Plaintiff,)
13 v.) **ORDER TO SHOW CAUSE**
14 MICHAEL J. ASTRUE, Commissioner)
15 of Social Security,)
16 Defendant.)

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18 On August 4, 2009, Plaintiff filed the present action in this Court. Plaintiff seeks review of
19 the Commissioner's denial of his application for benefits. (Doc. 2.) On August 5, 2009, the Court
20 issued a Scheduling Order. (Doc. 6). The Scheduling Order states that within 120 days after service,
21 Defendant shall file and serve a copy of the administrative record which shall be deemed an answer
22 to the complaint. The Order also provides that within 30 days after service of the administrative
23 record, Plaintiff shall serve on Defendant a letter brief outlining why remand is warranted which
24 Defendant shall respond to within 35 days. Thereafter, if Defendant does not stipulate to remand,
25 within 30 days of Defendant's response, Plaintiff must file and serve an opening brief. (Doc. 6, ¶¶
26 2-8.)

1 On or about December 15, 2009, Defendant lodged the administrative record. (Doc. 11.)
2 Thus, pursuant to the Scheduling Order, Plaintiff was required to file his opening brief in this Court
3 on or before March 22, 2010. To date, Plaintiff has failed to file an opening brief.

4 Therefore, Plaintiff is ordered to show cause why the action should not be dismissed for
5 failure to comply with the Court's August 5, 2009, order. Plaintiff is ORDERED to file a written
6 response to this Order to Show Cause WITHIN ten (10) days of the date of this Order. If Plaintiff
7 desires more time to file the brief, Plaintiff should so state in his response.

8 Failure to respond to this Order to Show Cause within the time specified will result in
9 dismissal of this action.

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11 IT IS SO ORDERED.

12 Dated: April 7, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE