

## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

JOSE A. JIMENEZ, II, ) 1:09-cv-01371 GSA  
Plaintiff, )  
v. ) **ORDER DISCHARGING ORDER TO SHOW  
CAUSE**  
MICHAEL J. ASTRUE, Commissioner )  
of Social Security, )  
Defendant. )

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On May 17, 2010, this Court issued an Order to Show Cause why sanctions should not be imposed for Plaintiff's counsel's failure to follow a court order. (Doc. 16.) On May 21, 2010, counsel for Plaintiff timely filed a response to the Order to Show Cause. (Doc. 17.)

Specifically, counsel for Plaintiff indicates a calendaring error caused her to fail to respond as ordered on April 28, 2010. (Krank Decl., ¶ 5.) Nevertheless, counsel indicates she has now complied with this Court's earlier order by performing additional efforts to locate Plaintiff Jose Jimenez. (Krank Decl., ¶¶ 3-4, 6.) Counsel declares that she eventually contacted her client via telephone on May 20, 2010, and received his permission to dismiss this matter. (Krank Decl., ¶ 7.) Lastly, counsel indicates that she "plans on filing a Stipulation to Dismiss Case on or about May 24, 2010 . . ." (Doc. 17 at 1-2.)

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1        This Court accepts Attorney Krank's explanation and DISCHARGES the Order to Show  
2 Cause.

3        Additionally, while it appears a hearing on counsel's motion to withdraw as attorney (*see*  
4 Doc. 13) is unnecessary in light of the foregoing, the matter will remain on this Court's calendar as  
5 a status conference, at which all counsel may appear telephonically. In the event a stipulation to  
6 dismiss this action and/or a notice of withdrawal of the motion is filed prior to May 28, 2010, the  
7 status conference will be taken off this Court's calendar.

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9        IT IS SO ORDERED.

10      **Dated: May 24, 2010**

11      /s/ Gary S. Austin  
12      UNITED STATES MAGISTRATE JUDGE

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