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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JON J. SPROUT,

CASE NO. 1:09-cv-1676 SKO

Plaintiff,

ORDER TO SHOW CAUSE

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

_____ /

On September 21, 2009, Plaintiff filed a complaint under 42 U.S.C. § 405(g) seeking review of a final decision of the Commissioner of Social Security (“Defendant” or the “Commissioner”) denying Plaintiff’s applications for disability insurance benefits and Supplemental Security Income. (Doc. 1.) On September 22, 2009, the Court issued a scheduling order directing (1) Plaintiff to serve upon Defendant a letter brief within thirty (30) days after service of the administrative record; (2) Defendant to serve a response to Plaintiff’s letter brief within thirty-five (35) days thereafter; (3) the parties to file any stipulation to a remand within fifteen (15) days after Defendant’s response; and (4) Plaintiff to file and serve an opening brief within thirty (30) days of Defendant’s response if Defendant did not agree to a remand to the Commissioner. (Doc. 6 ¶¶ 3-6.) Defendant’s responsive brief was due within thirty (30) days after service of Plaintiff’s opening brief. (Doc. 6 ¶ 7.)

1 The Commissioner filed and served the administrative record on February 5, 2010. (Doc.
2 10.) Plaintiff filed his opening brief on May 4, 2010. (Doc. 12.) The Court’s review of the docket
3 indicates that, to date, Defendant has neither filed his brief nor requested additional time to do so.

4 The Court has the inherent power “to control the disposition of the causes on its docket with
5 economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S.
6 248, 254 (1936). To that end, “[d]istrict courts retain broad discretion to control their dockets and
7 ‘[i]n the exercise of that power they may impose sanctions including, where appropriate, default or
8 dismissal.’” *Adams v. Cal. Dep’t of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007) (second
9 alteration in original); *see also Hernandez v. City of El Monte*, 138 F.3d 393, 398 (9th Cir. 1998);
10 *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992).

11 Accordingly, it is ORDERED that, **no later than June 25, 2010**, Defendant shall file
12 his responsive brief or show cause why the Court should not impose sanctions under Local Rule 110
13 for failing to comply with an order of this Court.

14
15 IT IS SO ORDERED.

16 **Dated: June 18, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE