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

TONG VUE,)	1:09-cv-1817 GSA
)	
)	ORDER TO SHOW CAUSE
)	
Plaintiff,)	
)	
vs.)	
)	
MICHAEL J. ASTRUE, Commissioner,)	
)	
Defendant.)	

On October 14, 2009, Plaintiff filed the present action in this Court. Plaintiff seeks review of the Commissioner’s denial of her application for benefits. On October 15, 2009, the Court issued a Scheduling Order. (Doc. 6). 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. Thereafter, if Defendant does not stipulate to remand, within 30 days of Defendant’s response, Plaintiff must file and serve an opening brief.

On or about February 24, 2010, Defendant lodged the administrative record. Pursuant to the Scheduling Order, Plaintiff was required to file her opening brief in this Court on or before May 31, 2010. Plaintiff has failed to file her opening brief by May 31, 2010, pursuant to the order.

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Therefore, Plaintiff is ordered to show cause why the action should not be dismissed for failure to comply with the court's October 15, 2009, order. Plaintiff is ORDERED to file a written response to this Order to Show Cause WITHIN twenty (20) days of the date of this Order. If Plaintiff desires more time to file the brief, Plaintiff should so state in her response.

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

IT IS SO ORDERED.

Dated: June 24, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE