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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 THOMAS S. ANDRADE,) 1:09-cv-1926 GSA
11 Plaintiff,) ORDER TO SHOW CAUSE
12 v.)
13 COMMISSIONER OF SOCIAL SECURITY,)
14 Defendant.)
15 _____)
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18 On November 2, 2009, Plaintiff filed the present action in this Court. Plaintiff seeks
19 review of the Commissioner's denial of his application for benefits.

20 On November 3, 2009, the Court issued its Scheduling Order. The Order provides that
21 within 120 days after service of the complaint, Defendant shall file and serve a copy of the
22 administrative record which shall be deemed an answer to the complaint. The Order also
23 provides that within 30 days after service of the administrative record, Plaintiff shall serve on
24 Defendant a letter brief outlining why remand is warranted which Defendant shall respond to
25 within 35 days. Thereafter, if Defendant does not stipulate to remand, within 30 days of
26 Defendant's response, Plaintiff must file and serve an opening brief. (Doc. 6.)
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1 On March 18, 2010, Defendant lodged the administrative record. Thus, pursuant to the
2 Scheduling Order, Plaintiff was required to file his opening brief in this Court on or before June
3 21, 2010. To date, Plaintiff has not filed 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 November 3, 2009, order. Plaintiff is ORDERED to file a
6 written response to this Order to Show Cause WITHIN ten (10) days of the date of this Order. If
7 Plaintiff 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.

10 IT IS SO ORDERED.

11 Dated: July 7, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE