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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID L. JACKSON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

) 1:10-cv-00558 GSA

) **ORDER TO SHOW CAUSE**

On March 30, 2010, Plaintiff filed the present action in this Court. Plaintiff seeks review of the Commissioner’s denial of his application for benefits. (Doc. 2.)

On March 31, 2010, the Court issued its Scheduling Order. The Order provides that within 120 days after service of the complaint, 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

1 within 35 days. Thereafter, if Defendant does not stipulate to remand, within 30 days of
2 Defendant's response, Plaintiff must file and serve an opening brief. (Doc. 6.)

3 On August 20, 2010, Defendant lodged the administrative record. (Doc. 11.) Thus,
4 pursuant to the Scheduling Order, Plaintiff was required to file his opening brief in this Court on
5 or before November 23, 2010. To date, Plaintiff has not filed an opening brief.

6 Therefore, Plaintiff is ordered to show cause why the action should not be dismissed for
7 failure to comply with the Court's March 31, 2010, order. **Plaintiff is ORDERED to file a**
8 **written response to this Order to Show Cause WITHIN ten (10) days of the date of this**
9 **Order.** If Plaintiff desires more time to file the brief, Plaintiff should so state in his response.

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

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14 IT IS SO ORDERED.

15 **Dated: November 29, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE