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

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| WENDY AMINZADEH,                 | ) | 1:10-cv-01068 GSA          |
| Plaintiff,                       | ) | <b>ORDER TO SHOW CAUSE</b> |
| v.                               | ) |                            |
| COMMISSIONER OF SOCIAL SECURITY, | ) |                            |
| Defendant.                       | ) |                            |
| _____                            | ) |                            |

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

On June 14, 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 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. (Doc. 9.)

1 On October 28, 2010, Defendant lodged the administrative record. (Doc. 13.) Thus,  
2 pursuant to the Scheduling Order, Plaintiff was required to file her opening brief in this Court on  
3 or before January 31, 2011. 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 June 14, 2010, order. **Plaintiff is ORDERED to**  
6 **PERSONALLY APPEAR on February 15, 2011, at 10:00 a.m. in Courtroom 10.**  
7 **Additionally, Plaintiff is ORDERED to file a written response to this Order to Show Cause**  
8 **no later than February 10, 2011.** Failure to respond to this Order to Show Cause within the  
9 time specified will result in dismissal of this action.

10 Finally, this Court has noted a pattern with regard to Plaintiff's counsel and caseload  
11 management. In 2008, four of Plaintiff's counsel's cases were assigned to the undersigned; an  
12 order to show cause regarding a failure to file an opening brief was issued in one of those cases.  
13 In 2009, seven of Plaintiff's counsel's cases were assigned to the undersigned; three orders to  
14 show cause issued. In 2010, this Court issued an order to show cause in yet another matter, and  
15 in another 2010 matter the Court expressly cautioned counsel that sanctions may issue if the  
16 pattern regarding missed deadlines were to continue. Notably, in at least three separate responses  
17 to the orders to show cause, Plaintiff's counsel claims a "calendar error" as the cause of her  
18 failure to timely file an opening brief. The Court can only conclude that the error remains  
19 uncorrected.

20  
21 IT IS SO ORDERED.

22 **Dated: February 1, 2011**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE