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

CLIFFORD ALAN SWORTFIGUER, )  
)  
)  
)  
)  
Plaintiff, )  
)  
vs. )  
)  
MICHAEL J. ASTRUE, Commissioner, )  
)  
)  
Defendant. )  
\_\_\_\_\_ )

1:10-cv-01835 GSA

**ORDER TO SHOW CAUSE**

On October 1, 2010, Plaintiff filed the present action in this Court. Plaintiff seeks review of the Commissioner’s denial of disability benefits. On October 5, 2010, the Court issued a Scheduling Order. (Doc. 5). 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 April 29, 2011, Defendant lodged the administrative record. On June 26, 2011, the parties filed a stipulation to continue the date that Plaintiff’s confidential letter was due. (Doc. 15.) After noting that there was a typographical error in the stipulation, the Court issued an order

1 setting new deadlines. This order informed the parties that Plaintiff's opening brief must be filed no  
2 later than **September 1, 2011**. (Doc. 16).

3 To date, Plaintiff has failed to file the opening brief by the required date. Therefore, Plaintiff  
4 is ordered to show cause why the action should not be dismissed for failure to comply with the  
5 court's June 25, 2011, order. Plaintiff is ORDERED to file a written response to this Order to Show  
6 Cause WITHIN twenty (20) days of the date of this Order. If Plaintiff desires more time to file the  
7 brief, Plaintiff should so state in the response.

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

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IT IS SO ORDERED.

**Dated: September 7, 2011**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE