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

ALVIN R. BOEN,	)	Case No.: 1:11-cv-00898-SKO
	)	
Plaintiff,	)	
	)	<b>ORDER TO SHOW CAUSE</b>
v.	)	
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff Alvin R. Boen ("Plaintiff") filed a complaint against the Commissioner of Social Security ("Defendant") on June 2, 2011. Plaintiff is proceeding *in forma pauperis* and without counsel. Pursuant to the scheduling order issued on June 3, 2011, Defendant served the Social Security Administrative Transcript on Plaintiff on October 5, 2011. (Doc. 9.)

Following service of the Administrative Transcript and pursuant to the scheduling order, Plaintiff was required to serve on Defendant a confidential letter brief within 30 days from the date of service of the transcript, i.e., on or before November 7, 2011.<sup>1</sup> In response to Plaintiff's confidential letter brief, Defendant was to serve on Plaintiff a confidential letter brief on or before December 15, 2011. The parties were to file a joint motion for remand within 15 days after Defendant served a confidential letter brief if the parties agreed to a remand. If the parties did **not**

<sup>1</sup> All computation of dates incorporate Federal Rule of Civil Procedure 6(d) and 5(b)(2)(C).

1 agree to a remand, Plaintiff was to **file** his opening brief with the Court within 30 days after  
2 Defendant served the confidential letter brief. Accordingly, the last date for Plaintiff to file an  
3 opening brief was January 17, 2012.

4 On January 17, 2012, Plaintiff failed to timely file an opening brief with the Court and no  
5 opening brief has been filed to date.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff shall **either**:

8 a. SHOW CAUSE, by filing a written statement, why his case should not be  
9 recommended for dismissal for failure to comply with the Court's scheduling  
10 order; **or**

11 b. File an opening brief **on or before February 24, 2012**; and

12 2. Defendant shall file a status report **on or before February 21, 2012**, informing the  
13 Court whether the confidential letter briefs were served and the dates on which  
14 service was accomplished.

15  
16 IT IS SO ORDERED.

17 **Dated: February 15, 2012**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE