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

DELBERT E. SPAIN,	)	1:11-cv-01133 GSA
Plaintiff,	)	<b>ORDER TO SHOW CAUSE</b>
v.	)	
MICHAEL ASTRUE, Commissioner of	)	
Social Security,	)	
Defendant.	)	

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On July 7, 2011, Plaintiff filed the present action in this Court. Plaintiff seeks review of the Commissioner’s denial of his application for benefits. (Doc. 1.) On July 8, 2011, the Court issued a Scheduling Order. (Doc. 7.) More specifically, 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.

1 On November 9, 2011, Defendant lodged the administrative record. (Doc. 12.) Pursuant  
2 to the Scheduling Order, Plaintiff was required to file his opening brief in this Court on or before  
3 February 13, 2011. To date, Plaintiff has failed to file an opening brief.

4 Therefore, Plaintiff is ORDERED TO SHOW CAUSE why the action should not be  
5 dismissed for failure to comply with the Court's July 8, 2011, Order. Plaintiff SHALL 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 opening 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.

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14 IT IS SO ORDERED.

15 Dated: February 15, 2012

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE