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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DELBERT E. SPAIN,
Plaintiff,
v.
MICHAEL ASTRUE, Commissioner of
Social Security,
Defendant.

) 1:11-cv-01133 GSA
) **ORDER DISCHARGING ORDER TO**
) **SHOW CAUSE**

On July 7, 2011, Plaintiff filed the present action for judicial review of the denial of Social Security benefits. On February 15, 2012, this Court issued an Order to Show Cause why sanctions should not be imposed for Plaintiff’s failure to file an opening brief by February 13, 2012. (Doc. 13.)

On February 23, 2012, Plaintiff filed a response to the order to show cause. (Doc. 15.) In the response, Plaintiff’s counsel explained that missing the filing deadline was not purposeful; rather, it was a calendaring error whereby counsel mistakenly calculated the deadline as February 15, 2012. Further, Plaintiff’s counsel indicates changes will be made to the calendaring system to ensure deadlines are properly calculated in the future. Notably, the opening brief was filed simultaneously with the response. (Doc. 14.)

1 Based on the foregoing, it appears that Plaintiff's failure to file an opening brief was
2 inadvertent. Accordingly, the Order to Show Cause is hereby DISCHARGED. All remaining
3 deadlines shall accord with those delineated in the Scheduling Order issued July 8, 2011.
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5
6 IT IS SO ORDERED.

7 **Dated: February 24, 2012**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE