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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RYAN CRAIG STEVENS
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

Case No. 1: 12-cv-00020-BAM

**ORDER DISCHARGING ORDER TO
SHOW CAUSE; SETTING DATE TO
FILE OPENING BRIEF**

On January 4, 2012, Plaintiff, proceeding pro se and in forma pauperis, filed a complaint for judicial review of the decision of the commissioner of social security (“Commissioner”) pursuant to 42 U.S.C. § 405(g) and 1383(c)(3) of the Social Security Act. (Doc. 1.) On January 11, 2012, the Court entered a scheduling order governing the briefing schedule in this action. (Doc. 7.) Pursuant to that order, Plaintiff’s opening brief was due to be filed no later than August 9, 2012. (Doc. 7.) As of August 31, 2012, Plaintiff had not filed his opening brief.

On September 15, the Court issued an Order directing Plaintiff to show cause, if any, why he had not filed his opening brief. (Doc. 15.) Plaintiff responded to the Order to Show Cause, stating that it was the Commissioner, and not Plaintiff, who had failed to comply with the scheduling order. (Doc. 17.) Specifically, Plaintiff alleges he provided the Commissioner with

1 an opening letter brief, the Commissioner responded (allegedly one day late), Plaintiff provided a
2 responsive letter brief to the Commissioner, and th e Commissioner never responded to
3 Plaintiff's responsive letter brief. (Doc. 16.) Plaintiff alleges the Commissioner's failure to file a
4 second responsive letter brief violated the Court's scheduling order in this action. (Doc. 16.)

5 The Commissioner responded that he complied with the scheduling order by timely
6 tendering a responsive confidential letter brief to Plaintiff, and that Plaintiff never provided an
7 opening brief as required by the scheduling order. (Doc. 17.)

8 After reviewing the parties' responses to the Order to Show Cause, it appears Plaintiff
9 misunderstands the scheduling order. The scheduling order required Plaintiff, "within thirty (30)
10 days of service of respondent's response, [to] file and serve an opening brief with the court and
11 on respondent." (Doc. 7, ¶ 6.) Plaintiff appears to have interpreted this language as requiring a
12 second confidential letter brief to the Commissioner. It does not. After receiving the
13 Commissioner's responsive confidential letter brief, Plaintiff was required, within 30 days of
14 receiving the Commissioner's response, to file a formal opening brief with this Court. (Doc. 7, ¶
15 6.) Plaintiff is strongly encouraged to review the First Informational Order in this action,
16 specifically Section III, entitled "Briefs." (Doc. 8.)

17 Having considered the Plaintiff's response to the Order to Show Cause, the Court hereby
18 DISCHARGES the September 4, 2012 Order to Show Cause. (Doc. 15.) In this instance,
19 because Plaintiff is proceeding pro se, and because Plaintiff's error appears to be the result of a
20 genuine misunderstanding of this Court's order, the Court affords Plaintiff some leniency.
21 Nonetheless, Plaintiff is admonished to carefully review each and every order of this Court,
22 including informational orders provided for Plaintiff's benefit.

23 Plaintiff shall file and serve his formal opening brief no later than **November 30, 2012**.
24 The deadlines concerning the Commissioner's responsive brief and Plaintiff's reply brief are
25 provided in the Court's scheduling order. (Doc. 7.)

26 The Clerk is directed to serve a copy of this Order to Show Cause on Plaintiff at 19800
27 Breeze Place, Tehachapi, CA 93561.

