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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

VALERIE CARROLL,

Plaintiff,

v. COMMISSIONER OF SOCIAL SECURITY, Defendant.

1:12-cv-01341 AWI GSA ORDER TO SHOW CAUSE

On August 17, 2012, Plaintiff Valerie Carroll filed the present action in this Court. Plaintiff seeks review of the Commissioner's denial of her application for benefits. (Doc. 1.) On August 20, 2012, the Court issued its Scheduling Order. The Order provides that within 120 days after service of the complaint, Defendant shall file and serve a copy of the administrative record which shall be deemed an answer to the complaint. (Doc. 7-1 at 2, ¶ 2.) On November 2, 2012, Plaintiff filed a proof of service with this Court, indicating service of the summons and complaint was made on September 4, 2012. (Doc. 8.) Although more than 120 days have passed, however, Defendant Commissioner of Social Security has not yet filed a

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25 copy of the administrative record with this Court.

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27 28 Accordingly, Defendant is ordered to show cause why sanctions should not be imposed for a failure to comply with Scheduling Order of August 20, 2012. Defendant is ORDERED to file a written response to this Order to Show Cause NO LATER THAN January 31, 2013, or alternatively, Defendant may file the administrative record by that date. If Defendant requires more time within which to file the administrative record, it should so state in its written response to this Order. Failure to respond to this Order to Show Cause could result in the imposition of sanctions.

Because Defendant has not yet appeared in this action, the Clerk of the Court is directed to serve a copy of this Order on those parties listed in Plaintiff's proof of service (*see* Doc. 8).

IT IS SO ORDERED.

Dated: <u>January 8, 2013</u>

/s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE