1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 DAVID HILL, Case No. 1:12-cv-01420-SAB 12 ORDER DISCHARGING COURT'S ORDER Plaintiff. TO SHOW CAUSE 13 v. ECF NO. 16 14 COMMISSIONER OF SOCIAL SECURITY, 15 Defendant. 16 17 On September 24, 2013, the Court ordered Plaintiff David Hill ("Plaintiff") to show cause why this action should not be dismissed for Plaintiff's failure to prosecute. (ECF No. 16.) 18 19 Plaintiff did not file an opening brief in this action, which was due September 24, 2013 and did not request an extension of time. 20 21 On October 1, 2013 Plaintiff filed his opening brief along with a response to the Court's order to show cause. (ECF No. 18.) Plaintiff indicated that he inadvertently missed the filing 22 deadline for his opening brief due to a calendaring error. 23 Due to the delay associated with Plaintiff's calendaring error, the Court will modify the 24 25 briefing schedule as follows: Plaintiff's reply, if any, to Defendant's opposition shall be due within seven (7) days of the date of service of Defendant's opposition, instead of the customary 26

fifteen (15) days. If no reply is filed within seven (7) days of the date of service of Defendant's

opposition, Plaintiff's right to file a reply will be deemed waived.

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In accordance with the foregoing, it is HEREBY ORDERD that: The scheduling order in this action is modified such that Plaintiff's reply to 1. Defendant's opposition shall be due within seven (7) days of the date of service of Defendant's opposition; and 2. The Court's September 24, 2013 order to show cause is DISCHARGED. IT IS SO ORDERED. October 2, 2013 Dated: UNITED STATES MAGISTRATE JUDGE