## 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

ANTONIO MENDOZA,	Case No. 1:13-CV-01543-SMS
Plaintiff,  v.  CAROLYN W. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY, Defendant.	ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED FOR PLAINTIFF'S FAILURE TO OBEY A COURT ORDER  (Docs. 4 & 8)
	RESPONSE DUE WITHIN FIFTEEN (15) DAYS

On September 25, 2013, Plaintiff Antonio Mendoza, proceeding *pro se* and *in forma pauperis*, filed the above-entitled action. By this Court's October 2, 2013 scheduling and consent orders, the Court required the Plaintiff to comply with action items set forth therein. Subsequently, Plaintiff failed to comply with the Court's order. After the Court's July 18, 2014 Order to Show Cause ("OSC"), Plaintiff asked the Court for an extension of time to respond to the order. In the Court's order discharging the OSC and granting leave for an extension of time, the Court ordered Plaintiff to comply with the action items set forth in the Court's October 2, 2013 Order, and gave explicit directions detailing Plaintiff's obligations, as follows:

1. within **fourteen (14) days** from the date of service of [this July 18, 2014 Order], Plaintiff will lodge and serve the administrative record in compliance with the requirements set forth in the Court's October 2013 scheduling order; and,

2. within **fourteen (14) days** from the date of service of [this July 18, 2014 Order], Plaintiff shall file with this Court the notice and form of consent to proceed before a magistrate judge provided by Local Rule 305(a).

See Doc. 8. Pursuant to that Order, the Clerk's office mailed Plaintiff a copy of the July 18, 2014 Order (Doc. 8), as well as a copy of the October 2, 2013 Order (Doc. 4) and its attachments (Doc. 4(1)-(4)). On August 20, 2014, Plaintiff filed copies of the summons and five copies of the complaint, but took no other action. Plaintiff failed to lodge and serve the administrative record or the notice and form of consent to proceed before a magistrate judge, despite the Clerk's office having provided the forms by mail.

Plaintiff is here advised that failure to comply with the Court's order may result in the dismissal of this action under Rule 41(b) of the Federal Rules of Civil Procedure without further notice. The Court has discretion to impose any and all sanctions authorized by statute or Rule or within the inherent power of the Court, including dismissal of an action, based on Plaintiff's failure to comply with a court order. FED. R. CIV. P. 11; Local Rule 110.

Accordingly, the Court **HEREBY ORDERS** that:

- 1. within **fifteen** (**15**) **days** from the date of service of this order, Plaintiff shall file a written response to the Court, showing cause why this case should not be dismissed for Plaintiff's failure to obey the Court's orders of October 2, 2013 (Doc. 4) and August 6, 2014 (Doc. 8); and,
- 2. Plaintiff's failure to comply with this order will result in the dismissal of this action without further notice.

IT IS SO ORDERED.

Dated: September 3, 2014 /s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE
3.