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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTONIO MENDOZA,

Plaintiff,

v.

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:13-CV-01543-SMS

ORDER DISCHARGING THE SHOW CAUSE
ORDER AND GRANTING LEAVE FOR AN
EXTENSION OF TIME.

(Docs. 6 & 7)

RESPONSE DUE WITHIN FOURTEEN (14)
DAYS

On September 25, 2013, Plaintiff Antonio Mendoza (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed the above-entitled action. Plaintiff seeks judicial review of a final decision of the Commissioner of Social Security (“the Commissioner”) denying his application for benefits under the Social Security Act (“Act”). By this Court’s October 2, 2013 scheduling and consent orders (Doc. 4), the Court required the Plaintiff to comply with action items set forth therein. Plaintiff has failed to comply with the Court’s orders.

This Social Security appeal is again before the Court on Plaintiff’s *ex parte* communication, filed July 31, 2014 (Doc. 7), asking that the Court grant an extension of time in which to comply with the Court’s scheduling order. Despite acknowledging that he has not complied with the Court’s order, Plaintiff requests that his case not be dismissed. The Court will construe Mendoza’s *ex parte* request as a motion for leave for an extension of time to comply with the requirements as set forth in the Court’s October 2013 scheduling order. As Plaintiff has timely responded to the

1 Court's order to show cause, and good cause having been shown, the order to show cause is hereby
2 **DISCHARGED.** (Doc. 6).

3 The Court here warns the Plaintiff that the Court will not grant any additional extensions.
4 The Court's October 2, 2013, scheduling and consent orders remain in effect with the modifications
5 only as set forth below.
6

7 Therefore, **IT IS HEREBY ORDERED** that:

- 8 1. within **fourteen (14) days** from the date of service of this order, Plaintiff will lodge and
9 serve the administrative record in compliance with the requirements set forth in the
10 Court's October 2013 scheduling order; and,
- 11 2. within **fourteen (14) days** from the date of service of this order, Plaintiff shall file with
12 this Court the notice and form of consent to proceed before a magistrate judge provided
13 by Local Rule 305(a); and,
- 14 3. the Clerk of Court **SHALL** mail a copy of this order to Plaintiff's address, along with a
15 copy of the October 2, 2013 order (Doc. 4) and its attachments (Doc. 4(1)-(4)).
16

17 If Plaintiff fails to lodge and serve the administrative record together with a completed form
18 of consent, the Court will construe this as a failure to comply with this order. Plaintiff's failure to
19 comply will result in the immediate dismissal of this action under Rule 41(b) of the Federal Rules
20 of Civil Procedure without further notice. The Court has discretion to impose any and all sanctions
21 authorized by statute or Rule or within the inherent power of the Court, including dismissal of an
22 action, based on Plaintiff's failure to comply with a court order. FED. R. CIV. P. 11; Local Rule 110.
23

24 IT IS SO ORDERED.

25 Dated: August 6, 2014

/s/ Sandra M. Snyder
26 UNITED STATES MAGISTRATE JUDGE
27
28