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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RHONDA LEE MCINTIRE,

Case No. 1:14-cv-00036-SKO

Plaintiff,

**ORDER THAT PLAINTIFF FILE
OPENING BRIEF OR SHOW CAUSE
WHY ACTION SHOULD NOT BE
DISMISSED**

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

_____ /

On January 9, 2014, Plaintiff Rhonda Lee McIntire ("Plaintiff") filed this action against the Acting Commissioner of the Social Security Administration ("Defendant"). Pursuant to the Scheduling Order, the parties were to exchange confidential letter briefs and file proofs of service certifying that the briefs were served. (Doc. 5, ¶¶ 3, 4.) Plaintiff did not file a proof of service, but Defendant filed a proof of service showing that her confidential letter brief was served on Plaintiff on August 15, 2014.

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Under the deadlines set forth in the Scheduling Order, Plaintiff was required to file her opening brief within 30 days if there was no agreement to remand the case to the agency. (Doc. 5, ¶¶ 5, 6.) As no stipulation to remand has been filed, Plaintiff's opening brief was due on or before September 17, 2014. No opening brief was filed.

Accordingly, IT IS HEREBY ORDERED that:

1. **By no later than October 3, 2014**, Plaintiff shall:
 - a. File an opening brief; **or**
 - b. Show cause why this action should not be dismissed for failure to comply with the scheduling order and failure to prosecute; and
2. If Plaintiff fails to comply with this order, this case will be dismissed.

IT IS SO ORDERED.

Dated: September 29, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE