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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT RANKIN,
Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case No. 1:14-cv-854-BAM
ORDER REQUIRING PLAINTIFF TO FILE
OPENING BRIEF WITHIN TWENTY-ONE
DAYS

Plaintiff Scott Rankin (“Plaintiff”), proceeding pro se and in forma pauperis, initiated this action on June 5, 2014, seeking review of the Commissioner’s denial of his social security benefits. (Doc. 1).

On June 4, 2015, following service of the complaint, the Court issued a Scheduling Order. The order required Plaintiff to prosecute this action by seeking voluntary remand or filing a dispositive motion within 95 days from service of the administrative record. (Docs. 14, 19). Defendant filed the administrative record in this action on July 24, 2015. (Doc. 15). However, Plaintiff did not file a timely opening brief. As a result, on April 7, 2016, this Court ordered Plaintiff to show cause why this action should not be dismissed for Plaintiff’s failure to comply with the Court’s scheduling order and Plaintiff’s failure to prosecute this action. (Doc. 16). After Plaintiff filed his response on April 15, 2016, the Court discharged the Order to Show Cause and ordered Plaintiff to file his opening brief on or before June 22, 2016.

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To date, Plaintiff has again failed to file his opening brief—making his opening brief over eight months late. Plaintiff was forewarned that his failure to file an Opening Brief in compliance with the Court’s Order would result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. However, because Plaintiff is proceeding pro se, the Court will give Plaintiff a final extension of time to file his opening brief in this action.

Accordingly, Plaintiff is HEREBY ORDERED to file an opening brief within **twenty-one (21) days or on or before July 27, 2016. Plaintiff is expressly warned that his failure to timely file his Opening Brief will be deemed consent to the dismissal without prejudice of this action for failure to comply with a court order.**

IT IS SO ORDERED.

Dated: July 6, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE