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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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9 JOHN MARGARITO CORTEZ,

Case No. 1:14-cv-01016-SKO

10 Plaintiff,

11 v.
12 **ORDER THAT PLAINTIFF FILE A
WRITTEN STATEMENT SHOWING
CAUSE WHY CASE SHOULD NOT BE
DISMISSED OR THAT PLAINTIFF FILE
AN OPENING BRIEF**

13 CAROLYN W. COLVIN,

14 Acting Commissioner of Social Security,

(Doc. 19)

15 Defendants.
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19 On June 27, 2014, Plaintiff, while represented by counsel and *in forma pauperis*, filed the
20 present action in this Court. (Doc. 1.) Plaintiff seeks review of the Commissioner's denial of his
21 application for benefits. (Doc. 1.) On March 3, 2015, Plaintiff filed a stipulation and proposed
order requesting an extension of the briefing schedule. (Docs. 12; 13.)

22 On April 8, 2015, Plaintiff's counsel filed a motion to withdraw as attorney of record,
23 stating that the attorney-client relationship had deteriorated and counsel was no longer able to
24 proceed in representing Plaintiff's interests. (Doc. 14.) In light of the pending motion to
25 withdraw, the briefing schedule was modified to require Plaintiff to file and serve his opening
26 brief by no later than June 5, 2015. (Doc. 15.) Plaintiff's counsel was permitted to withdraw as
27 attorney of record on April 29, 2015 (Doc. 17), and Plaintiff was served with an Informational
28 Order for Pro Se Litigants on May 12, 2015 (Doc. 18.)

1 The Informational Order detailed Plaintiff's responsibilities as a pro se litigant, including
2 the substantive requirements of an opening brief, and required that the opening brief be filed and
3 served by no later than June 5, 2015. (Doc. 18, pp. 2-3.) Plaintiff was further advised of the
4 deadlines for the Commissioner's responsive brief, July 9, 2015, and for any reply brief, July 27,
5 2015. (Doc. 18, pp. 2-3.) These deadlines were also set forth on page 3 of the Informational
6 Order, and this order was served on Plaintiff. (Doc. 18, p. 3.)

7 On June 5, 2015, Plaintiff failed to file and serve his opening brief with the Court and on
8 opposing counsel. (See Docket.) Therefore, Plaintiff is ordered to show cause, if any, why the
9 action should not be dismissed for failure to comply with the Court's April 13, 2015, Order
10 Modifying the Briefing Schedule (Doc. 15). Alternatively, Plaintiff may file an opening brief.

11 | Accordingly, it is HEREBY ORDERED that:

12 1. By no later than **July 10, 2015**, Plaintiff shall either

13 a. file a written response to this Order to Show Cause; or

14 b. file an Opening Brief conforming with the requirements set out in the

15 Informational Order.

16 2. Failure to respond to this Order to Show Cause will result in dismissal of this

17 action.

IT IS SO ORDERED.

20 || Dated: **June 25, 2015**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE