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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.

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

12 CAROLYN W. COLVIN,  
13 Acting Commissioner of Social Security,

(Doc. 19)

14 Defendants.  
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18 On June 27, 2014, Plaintiff, while represented by counsel and *in forma pauperis*, filed the  
19 present action in this Court. (Doc. 1.) Plaintiff seeks review of the Commissioner's denial of his  
20 application for benefits. (Doc. 1.) On March 3, 2015, Plaintiff filed a stipulation and proposed  
21 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.

18  
19 IT IS SO ORDERED.

20 Dated: **June 25, 2015**

**/s/ Sheila K. Oberto**  
UNITED STATES MAGISTRATE JUDGE