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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

STEVEN PIERCE,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

Case No. 1:14-cv-1687-BAM

**ORDER TO SHOW CAUSE WHY THIS  
ACTION SHOULD NOT BE DISMISSED  
FOR PLAINTIFF'S FAILURE TO  
PROSECUTE**

**RESPONSE DUE February 4, 2016**

On October 28, 2014, Plaintiff Steven Pierce ("Plaintiff") filed the complaint in this action and the Court issued a scheduling order. (Docs. 1, 6). Pursuant to the Court's scheduling order, Plaintiff is required to prosecute this action by either seeking voluntary remand or filing an opening brief within 60 days from the date of service of the confidential letter brief. Plaintiff was warned that failure to comply may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. *See* Local Rule 110.

A review of the docket, including Plaintiff's belated motion for an extension of time to file his confidential letter brief, reflects that Plaintiff's letter brief was submitted on July 17, 2015. Plaintiff's opening brief was therefore due no later than September 21, 2015. To date, Plaintiff has not filed his opening brief.

Accordingly, Plaintiff is **HEREBY ORDERED** to **SHOW CAUSE** why this action should

1 not be dismissed for Plaintiff's failure to comply with the Court's scheduling order and  
2 Plaintiff's failure to prosecute this action. Plaintiff shall file a written response to this order to  
3 show cause no later than **February 4, 2016**. Plaintiff is forewarned that failure to respond to this  
4 order to show cause will result in the dismissal of this action.

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6 IT IS SO ORDERED.

7 Dated: January 28, 2016

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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