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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
SANCTIONS SHOULD NOT ISSUE FOR
DEFENDANT’S FAILURE TO COMPLY
WITH THE COURT’S ORDER
RESPONSE DUE: April 22, 2016

On March 3, 2016, after significant delay by both parties in this case, the Court held and Order to Show Cause hearing for Plaintiff’s failure to comply with the Court’s scheduling order. (Doc. 20). Counsel Kelsey Brown appeared in person on behalf of the Plaintiff. Counsel Sharon Lahey appeared by telephone on behalf of the Defendant. At the hearing, the Court expressed grave concerns about the myriad of delays in this case. The Court further stressed that the lack of compliance with the Court’s scheduling order has caused additional work for the Court in monitoring and addressing the lapses in this action. The Court, however, granted Plaintiff leave to file an untimely opening brief and ORDERED Defendant to file her response brief within thirty (30) days after the service of Plaintiff’s opening brief. (Doc. 22).

Despite the Court’s repeated direction for the parties to comply with the scheduling order, Defendant’s response brief is now overdue. While Plaintiff filed his opening brief on March 3, 2016, Defendant’s time to file her responsive brief elapsed over ten days ago. To date, no

1 response has been filed by Defendant. Nor has Defendant sought an extension of time to file her
2 responsive brief.

3 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or
4 of a party to comply with . . . any order of the Court may be grounds for the imposition by the
5 Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110.
6 “District courts have inherent power to control their dockets,” and in exercising that power, a
7 court may impose sanctions. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831
8 (9th Cir. 1986). A court may issue sanctions, based on a party’s failure to prosecute an action or
9 failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v. Bonzelet*,
10 963 F.2d 1258, 1260-61 (9th Cir. 1992) (sanctions for failure to comply with an order); *Malone*
11 *v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (same) *Henderson v. Duncan*, 779 F.2d
12 1421, 1424 (9th Cir. 1986) (sanctions for failure to comply with local rules).

13 Accordingly, Defendant is HEREBY ORDERED to SHOW CAUSE why sanctions
14 should not be imposed for Defendant’s failure to comply with the Court’s scheduling order.
15 Defendant shall file a written response to this order to how cause no later than **April 22, 2016**.
16 Defendant is forewarned that failure to respond to this order to show cause will result in the
17 imposition of sanctions, including an award of benefits.

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19 IT IS SO ORDERED.

20 Dated: April 18, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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