

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JEREMIAH VALENZUELA,

Case No. 1:15-cv-00291-SAB

Plaintiff,

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE WHY THIS ACTION SHOULD NOT
BE DISMISSED FOR FAILURE TO COMPLY
WITH COURT ORDERS

COMMISSIONER OF SOCIAL
SECURITY,

TEN DAY DEADLINE

Defendant.

Plaintiff Jeremiah Valenzuela (“Plaintiff”) filed this action seeking judicial review of a final decision of the Commissioner of Social Security denying his application for disability benefits pursuant to the Social Security Act. On February 26, 2015, a summons and scheduling order issued. The scheduling order provides that “Except when other provision is made pursuant to an application to proceed in forma pauperis, within twenty (20) days of filing the complaint, appellant shall serve the summons, complaint, the notice and form of consent to proceed before a magistrate judge provided by Local Rule 305(a), and a copy of this order and file return of service with this court.” (Scheduling Order ¶ 1, ECF No. 6.) The record does not show that Plaintiff requested service by the United States Marshal pursuant to the granting of in forma pauperis status nor did Plaintiff return a proof of service within twenty days. Plaintiff was advised that failure to comply with the scheduling order could result in the issuance of sanctions.

1 (Id. at ¶ 15.)

2 On April 8, 2015, an order issued directing Plaintiff to file a notice of status of service
3 within ten days. More than ten days have passed and Plaintiff has failed to file the required
4 notice or otherwise respond to the order of this Court.

5 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
6 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
7 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
8 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
9 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
10 2000).

11 Accordingly, IT IS HEREBY ORDERED that within ten days from the date of service of
12 this order, Plaintiff shall show cause in writing why this action should not be dismissed for the
13 failure to effect service in compliance with the scheduling order and failure to comply with this
14 Court’s April 8, 2015 order. Failure to file a response in compliance with this order will result in
15 the recommendation that this action be dismissed.

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17 IT IS SO ORDERED.

18 Dated: April 23, 2015



UNITED STATES MAGISTRATE JUDGE

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