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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TINA TWYNETTE DAVENPORT,

 Plaintiff,

 v.

COMMISSIONER OF SOCIAL
SECURITY,

 Defendant.

Case No. 1:15-cv-00675-SAB

ORDER REQUIRING PLAINTIFF’S
COUNSEL TO APPEAR ON MAY 25, 2016
TO SHOW CAUSE WHY SANCTIONS
SHOULD NOT ISSUE FOR FAILURE TO
COMPLY WITH COURT SCHEDULING
ORDERS

Plaintiff Tina Twynette Davenport filed this action seeking review of the Commissioner’s denial of Social Security benefits on May 1, 2015. On February 19, 2016, an order issued granting the stipulation of the parties to allow Plaintiff up to and including February 26, 2016, to serve her letter brief and all other deadlines in the scheduling order were modified accordingly. Pursuant to the scheduling order issued on May 4, 2015, Plaintiff was to file a separate proof of service showing that her brief had been served. (ECF No. 5 at ¶ 3.) Defendant was to serve a response to Plaintiff’s confidential letter brief within thirty five days of service of Plaintiff’s letter brief and file a separate proof of service with the court. (Id. at 4.) Plaintiff was to file her opening brief within thirty days of service of Defendant’s response. (Id. at ¶ 6.)

The time for Plaintiff to serve her letter brief and file her opening brief has passed. Plaintiff did not file a proof of service showing her letter brief had been served nor has she filed

1 an opening brief. The Court notes that this is not the first time that the Court has had to address
2 counsel's failure to comply with scheduling orders that have been issued. See Ellerd v.
3 Commissioner of Social Security, No. 1:14-cv-00908-SAB (E.D. Cal. Oct. 21, 2014), ECF No. 7
4 (service); Harshman v. Commissioner of Social Security, No. 1:15-cv-00004-SAB (E.D. Cal.
5 Nov. 30, 2015), ECF No. 15 (opening brief); Vang v. Commissioner of Social Security, No.
6 1:15-cv-00549-SAB (Feb. 5, 2016), ECF No. 17 (opening brief); Gonzales v. Commissioner of
7 Social Security, No. 1:15-cv-01125-SAB (E.D. Cal. Aug. 28, 2015), ECF No. 6 (application to
8 proceed in forma pauperis); Reyes v. Commissioner of Social Security, No. 1:16-cv-00013-SAB
9 (March 14, 2016), ECF No. 13 (notice of service). Further, the Court notes other courts in this
10 division have had similar issues. See Gabaldon v. Commissioner of Social Security, No. 1:14-
11 cv-01685-SKO (E.D. Cal. March 12, 2015), ECF No. 8 (service); Lenex v. Commissioner of
12 Social Security, No. 1:15-cv-581-BAM (E.D. Cal. April 7, 2016), ECF No. 15 (opening brief);
13 Goolsby v. Commissioner of Social Security, No. 1:15-cv-00615-JLT (E.D. Cal. May 13, 2015),
14 ECF No. 4 (application to proceed in forma pauperis); Gomez v. Commissioner of Social
15 Security, No. 1:15-cv-00647-SKO (E.D. Cal. Feb. 19, 2016), ECF No. 15 (opening brief);
16 Castaneda v. Commissioner of Social Security, No. 1:15-cv-00889-LJO-JLT (E.D. Cal. July 10,
17 2015), ECF No. 5 (file amended complaint); Gies v. Commissioner of Social Security, No. 1:15-
18 cv-00922-JLT (E.D. Cal. March 21, 2016), ECF No. 15 (opening brief); Wilburn v.
19 Commissioner of Social Security, No. 1:15-cv-01794-JLT (E.D. Cal. Jan. 7, 2016), ECF No. 4
20 (application to proceed in forma pauperis).

21 The Court is aware of the personal issues that counsel has been facing and does not mean to
22 diminish the seriousness of the reasons counsel provides for these failures to comply. However, the
23 lack of compliance with the Court's scheduling order has caused additional work for the Court in
24 monitoring and addressing the lapses in these actions. This failure to comply with the scheduling
25 orders has been on-going and it does not appear that counsel has devised a system to remedy the
26 issue. For this reason, the Court shall require Plaintiff's counsel to appear to show cause why
27 sanctions should not issue for the failure to comply with the scheduling order in this action.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff's counsel shall appear on May 25, 2016 at 10:30 a.m. in Courtroom 9 to
3 show cause why sanctions should not be imposed for the failure to comply with
4 the scheduling order;
- 5 2. Counsel shall respond in writing to this order on or before May 20, 2016;
- 6 3. The Court shall allow counsel to appear telephonically for the hearing if prior
7 arrangements are made with the Courtroom Deputy; and
- 8 4. Failure to comply with this order will result in the imposition of sanctions.

9
10 IT IS SO ORDERED.

11 Dated: May 13, 2016



UNITED STATES MAGISTRATE JUDGE