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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN MARTIN CARDENAS,
Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
Defendant.

Case No. 1:15-cv-01939-SKO

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

(Doc. 28)

On December 29, 2015, Plaintiff, proceeding *in forma pauperis*, filed the present action in this Court. (Doc. 1.) Plaintiff seeks review of the Commissioner’s denial of his application for benefits. (Doc. 1.) On September 6, 2016, the Court entered the parties’ stipulated request to modify the Scheduling Order (Doc. 14) to require Plaintiff to file and serve his opening brief by no later than October 3, 2016 (Doc. 15).

On October 3, 2016, the same day as the deadline for filing Plaintiff’s opening brief, *see* Doc. 17 (Minute Order setting expedited briefing schedule), Plaintiff’s counsel filed a motion to withdraw as attorney of record, stating that she has been unable to contact Plaintiff about his case, making it unreasonably difficult for her to carry out her representation of Plaintiff effectively. (Doc. 16.) On November 23, 2016, the Court found that Plaintiff’s counsel failed to comply with California Rule of Professional Conduct 3-700(A)(2) and Eastern District of California Local Rule

1 182(d), and denied counsel's motion to withdraw without prejudice to refile and curing the
2 defects identified therein. (Doc. 21.) On December 28, 2016, Plaintiff's counsel filed her
3 amended motion to withdraw. (Doc. 23.)

4 Plaintiff's counsel was permitted to withdraw as attorney of record on January 18, 2017,
5 and the Court extended the deadline for Plaintiff to file and serve his opening brief to February 1,
6 2017. (Doc. 28.) That same day, January 18, 2017, Plaintiff was served with an Informational
7 Order for Pro Se Litigants. (Doc. 29.) The Informational Order detailed Plaintiff's
8 responsibilities as a pro se litigant, including the substantive requirements of an opening brief, and
9 required that the opening brief be filed and served by no later than February 1, 2017. (Doc. 29, p.
10 1.) Plaintiff was further advised of the deadlines for the Commissioner's responsive brief and for
11 any reply brief. (Doc. 29, p. 3.) These deadlines were also set forth on page 3 of the
12 Informational Order that was served on Plaintiff. (*Id.*)

13 On February 1, 2017, Plaintiff failed to file and serve his opening brief with the Court and
14 on opposing counsel. (*See* Docket.) Plaintiff is, therefore, ordered to show cause, if any, why the
15 action should not be dismissed for failure to comply with the Court's January 18, 2017, Order
16 extending the time to file Plaintiff's opening brief to February 1, 2017 (Doc. 28). Alternatively,
17 Plaintiff may file an opening brief.

18 Accordingly, it is HEREBY ORDERED that:

19 By no later than **February 17, 2017**, Plaintiff shall **either**:

- 20 a. file a written response to this Order to Show Cause; **or**
21 b. file an Opening Brief that conforms with the requirements set forth in the
22 Informational Order.

23 Failure to respond to this Order to Show Cause will result in dismissal of this action.

24
25 IT IS SO ORDERED.

26 Dated: **February 2, 2017**

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