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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LORNA LYNN DUKE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:16-cv-00333-SAB

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE WHY THIS ACTION SHOULD NOT
BE DISMISSED FOR FAILURE TO
PROSECUTE

SEVEN DAY DEADLINE

On March 9, 2016, Plaintiff filed the present action in this court seeking review of the Commissioner’s denial of an application for benefits. The scheduling order issued on March 11, 2016. On December 29, 2016, an order issued granting the parties stipulation to amend the scheduling order. Plaintiff’s opening brief was to be filed on or before February 21, 2017. Plaintiff did not file an opening brief in compliance with the December 29, 2016 order.

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

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall file a written response to
2 this order to show cause why this action should not be dismissed for failure to prosecute within
3 seven (7) days of the date of service of this order. Failure to comply with this order to show
4 cause shall result in this action being dismissed for failure to prosecute.

5
6 IT IS SO ORDERED.

7 Dated: February 23, 2017


UNITED STATES MAGISTRATE JUDGE