

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILLIPS J. MONTALVO,
Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case No. 1:16-cv-0606-BAM

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

RESPONSE DUE: April 19, 2017

On April 28, 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 May 3, 2016. On February 24, 2017, an order issued granting the parties' stipulation to amend the scheduling order. Plaintiff's opening brief was to be filed on or before March 28, 2017. Plaintiff did not file an opening brief in compliance with the February 24, 2017 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).

