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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MOLLY LO,) Case No.: 1:16-cv-0610 - JLT
)
Plaintiff,)
) ORDER TO DEFENDANT TO SHOW CAUSE
v.) WHY SANCTIONS SHOULD NOT BE IMPOSED
) FOR FAILURE TO COMPLY WITH THE
NANCY A. BERRYHILL¹,) COURT’S ORDER
Acting Commissioner of Social Security,)
)
Defendant.)
)

Molly Lo initiated this action by filing a complaint on April 30, 2016, seeking judicial review of the decision to denying her application for Social Security benefits. (Doc. 1) On May 5, 2016, the Court entered its Scheduling Order, setting forth the deadlines governing the action. (Doc. 5)

Plaintiff filed her opening brief in the matter on March 3, 2017. (Doc. 12) Pursuant to the terms of the Scheduling Order, within thirty days of the opening brief, Defendant was to file a responsive brief. (Doc. 5 at 2) Though the responsive brief was to be filed by April 3, 2017, it has not been filed and Defendant has not requested an extension of time to do so.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted for her predecessor, Carolyn W. Colvin, as the defendant.

1 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions
2 including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831
3 (9th Cir. 1986). A court may impose sanctions based on a party’s failure to prosecute an action or
4 failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963
5 F.2d 1258, 1260-61 (9th Cir. 1992) (imposing sanctions for failure to comply with an order); *Malone*
6 *v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (imposition of sanctions for failure to comply
7 with a court order).

8 Accordingly, Defendant is **ORDERED** to show cause within fourteen days of the date of
9 service of this Order why the sanctions should not be imposed for failure to follow the Court’s Order
10 or, in the alternative, file a brief in response to the Plaintiff’s opening brief.

11
12 IT IS SO ORDERED.

13 Dated: April 14, 2017

/s/ Jennifer L. Thurston
14 UNITED STATES MAGISTRATE JUDGE