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

JON SIMONIAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:16-cv-717-BAM

ORDER TO SHOW CAUSE WHY THE  
PLAINTIFF'S SOCIAL SECURITY  
ACTION SHOULD NOT BE DEEMED  
UNOPPOSED

**RESPONSE DUE: April 19, 2017**

On February 28, 2017, this court granted Defendant an extension of time of 30 days to file an opposition to Plaintiff's opening brief. (Doc. 13). Pursuant to that Order, Defendant's motion was due on March 31, 2017. That deadline has now passed, and Defendant has not filed the anticipated motion.

The Court notes that this is not the first time that it has had to address counsel's failure to comply with scheduling orders that have been issued. *See Martin v. Commissioner of Social Security*, No. 1:15-cv-1660-BAM (E.D. Cal. Oct. 11, 2016) (order to show cause for failure to file opposition brief). The Court has further identified at least eight other deadlines that Defendant has missed in this district over the last year. *See e.g., Simon v. Comm. of Soc. Sec.*, No. 1:15-cv-1239-EPG (E.D. Cal. Nov. 8, 2016) (order to show cause for failure to file a response brief after two stipulations requesting extensions were granted); *Shank v. Comm. of Soc. Sec.*, No. 1:16-cv-0423-GSA (E.D. Cal. Feb 15, 2017) (order to show cause for failure to file an

1 opposition brief); *McRoberts v. Comm. of Soc. Sec.*, No. 1:16-cv-0086-GSA (E.D. Cal. Oct. 19,  
2 2016) (same); *Johnson v. Comm. of Soc. Sec.*, No. 2:16-cv-0492-AC (E.D. Cal. Dec. 14, 2016)  
3 (same). The deadline missed here makes ten. This failure to comply with the scheduling orders  
4 has been on-going and it does not appear that counsel has devised a system to remedy the issue.

5 Accordingly, Defendant is HEREBY ORDERED to SHOW CAUSE why Plaintiff's  
6 Social Security appeal should not be deemed unopposed and why sanctions should not issue for  
7 Defendant's failure to comply with the Court's order. Defendant shall file its written response to  
8 this order to show cause on or before April 19, 2017.

9 FURTHER, the Clerk of the Court is directed to serve a copy of this order on David  
10 Shelledy, Chief of the Civil Division of the Eastern District of California, at United States  
11 Attorney's Office, Robert T. Matsui United States Courthouse, 501 I Street, Suite 10-100,  
12 Sacramento, CA 95814.

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14 IT IS SO ORDERED.

15 Dated: April 12, 2017

16 /s/ Barbara A. McAuliffe  
17 UNITED STATES MAGISTRATE JUDGE  
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