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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRETT ALAN MATTINGLY,
Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case No. 1:16-cv-770-BAM
**ORDER TO SHOW CAUSE WHY THE
ACTION SHOULD NOT BE DISMISSED**
RESPONSE DUE: May 5, 2017

On June 3, 2016, Plaintiff Brett Mattingly filed a complaint seeking review of the Commissioner’s denial of his social security benefits. On June 6, 2016, this Court entered a scheduling order in this action. (Doc. 5). Pursuant to the Court’s scheduling order, Plaintiff is required to file his opening brief within thirty (30) days of service of the respondent’s confidential letter brief. Plaintiff was warned that failure to comply with the Court’s scheduling order may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110.

A review of the docket reveals that Defendant’s response to Plaintiff’s confidential letter brief was served on March 20, 2017. (Doc. 14). Plaintiff’s opening brief was therefore due no later than April 19, 2017. That deadline has now passed, and Plaintiff has not filed the anticipated motion.

Accordingly, Plaintiff is **HEREBY ORDERED** to **SHOW CAUSE** why this action should

1 not be dismissed for Plaintiff's failure to comply with the Court's scheduling order and
2 Plaintiff's failure to prosecute this action. Plaintiff shall file a written response to this order to
3 show cause no later than **May 5, 2017**. Plaintiff is forewarned that failure to respond to this
4 order to show cause will result in the dismissal of this action.

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6 IT IS SO ORDERED.

7 Dated: May 1, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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