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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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10 BERNADINE MARTIN-BARNETT,

11 Plaintiff,

12 v.

13 COMMISSIONER OF SOCIAL SECURITY,

14 Defendant.

Case No. 1:16-cv-00780-EPG

ORDER DISCHARGING ORDER TO  
SHOW CAUSE

ORDER RESETTING BRIEFING  
SCHEDULE

(ECF Nos. 13, 16)

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16 On June 7, 2016, the Court entered a scheduling order providing for deadlines, in  
17 pertinent part, as follows:

- 18 1. Administrative record due within 120 days after service of complaint;  
19 2. Appellant letter brief to respondent due 30 days after filing of administrative record  
20 (proof of service to be filed);  
21 3. Respondent response to letter brief 35 days later (proof of service);  
22 4. Appellant opening brief due 30 days later;  
23 5. Respondent response due 30 days later; and  
24 6. Appellant reply due 15 days later.

25 (ECF No. 5).

26 The administrative record was filed in this case on March 23, 2017. (ECF No. 11). No  
27 proofs of service were filed regarding steps 2 and 3 above.

28 On August 14, 2017, the Court ordered as follows:

1 On 6/7/2016, the Court entered a Scheduling Order in this case requiring  
2 Plaintiff to file an opening brief within 95 days after service of the  
3 administrative record (at the latest). (ECF 5). Defendant lodged the  
4 administrative record on 3/23/2017.(ECF 11 ).To date, Plaintiff has failed to file  
5 an opening brief. Therefore, Plaintiff is ORDERED TO SHOW CAUSE why  
6 the action should not be dismissed for failure to comply with the Court's  
7 Scheduling Order. Plaintiff SHALL FILE a written response to this Order to  
8 Show Cause WITHIN ten (10) days of the date of this Order. If Plaintiff desires  
9 more time to file the opening brief, Plaintiff should so state in his response.  
10 Failure to respond to this Order to Show Cause within the time specified will  
11 result in dismissal of this action. Minute Order signed by Magistrate Judge Erica  
12 P. Grosjean on 8/14/2017.

9 (ECF No. 13).

10 On August 23, 2017, Appellant filed a response to the order to show cause. (ECF No.  
11 16). Counsel indicates that the failure to meet the deadlines in the scheduling order was an  
12 oversight and requests the Court to enter a new schedule (opposing counsel does not object to  
13 the new schedule). (*Id.*)

14 Accordingly, based on the foregoing, it is HEREBY ORDERED that:

- 15 1. The August 14, 2017 order to show cause (ECF No. 13) is DISCHARGED; and
- 16 2. The parties request to reset the briefing schedule is GRANTED as follows:
  - 17 a. September 26, 2017: Defendant to serve (but not file) response to Plaintiff's  
18 letter brief;
  - 19 b. October 13, 2017: Parties to file and serve stipulation to remand, if resolved
  - 20 c. October 26, 2017: Plaintiff to file and serve motion for summary judgment
  - 21 d. November 27, 2017: Defendant to file and serve cross-motion for summary  
22 judgment
  - 23 e. December 12, 2017: Plaintiff to file and serve response to cross-motion

24 IT IS SO ORDERED.

25 Dated: August 29, 2017

26 /s/ Erica P. Grosjean  
27 UNITED STATES MAGISTRATE JUDGE  
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