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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KOUM PEO,
Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case No. 1:16-cv-00834-LJO-SAB
ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY PLAINTIFF’S REPLY
SHOULD NOT BE STRICKEN FROM THE
RECORD
(ECF No. 24)
JULY 26, 2017 DEADLINE

On June 16, 2016, Plaintiff filed the present action in this court seeking review of the Commissioner’s denial of an application for benefits. (ECF No. 1.) On May 1, 2017, the parties filed a stipulation for a second extension for Plaintiff to file her opening brief. (ECF No. 20.) On May 2, 2017, the Court ordered that Plaintiff shall file an opening brief on or before May 29, 2017, that Defendant shall file a responsive pleading on or before June 28, 2017, and that Plaintiff’s reply, if any, shall be filed on or before July 12, 2017. (ECF No. 21.) The Court also advised the parties that “requests for modification of the briefing schedule will not routinely be granted and will only be granted upon a showing of good cause. Further, requests to modify the briefing schedule that are made on the eve of a deadline will be looked upon with disfavor and may be denied absent good cause for the delay in seeking an extension.” (ECF No. 21.)

Plaintiff filed her reply on July 17, 2017, and did not file a motion or stipulation for an extension of time. (ECF No. 24.) The Court notes that Plaintiff was late in filing her opening

1 brief on May 31, 2017.¹ The parties are advised that for any requests to modify the briefing
2 schedule that are made after a deadline, the party seeking an extension must show additional
3 good cause why the matter was filed late with the request for nunc pro tunc.

4 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
5 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
6 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
7 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
8 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
9 2000).

10 Accordingly, the Court HEREBY ORDERS Plaintiff to show cause in writing on or
11 before July 26, 2017, why Plaintiff’s reply (ECF No. 24) should not be stricken from the record.

12 IT IS SO ORDERED.

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14 Dated: July 19, 2017


UNITED STATES MAGISTRATE JUDGE

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¹ While it was a legal holiday on May 29, 2017, Plaintiff’s opening brief should have been filed on May 30, 2017.