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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 STRIKING PLAINTIFF’S REPLY
FROM THE RECORD (ECF No. 24)

ORDER DISCHARGING JULY 19, 2017
ORDER TO SHOW CAUSE (ECF No. 25)

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

1 extension of time. (ECF No. 24.) On July 19, 2017, the Court issued an order requiring Plaintiff
2 to show cause why Plaintiff's reply should not be stricken from the record. (ECF No. 25.)

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

9 On July 24, 2017, Plaintiff filed a response to the order to show cause. (ECF No. 26.)
10 Plaintiff indicates that she initially decided not to file a reply, but she later changed her mind and
11 her attorney drafted a reply. (ECF No. 26.) Although Plaintiff was given an opportunity to
12 provide good cause for filing her reply late, the Court finds that she has not provided good cause
13 for filing her reply late. Therefore, the Court finds that Plaintiff's reply should be stricken from
14 the record.

15 Accordingly, IT IS HEREBY ORDERED that Plaintiff's reply (ECF No. 24) is
16 STRICKEN from the record and the Court's July 19, 2017 order to show cause (ECF No. 25) is
17 DISCHARGED.

18 IT IS SO ORDERED.

19 Dated: July 25, 2017

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22 UNITED STATES MAGISTRATE JUDGE
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