## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 MARY PLUMMER, 11 Case No.: 1:16-cv-1137 - JLT 12 Plaintiff, ORDER TO DEFENDANT TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED 13 v. FOR FAILURE TO COMPLY WITH THE COURT'S ORDER NANCY A. BERRYHILL Acting Commissioner of Social Security, 15 Defendant. 16 17 Mary Plummer initiated this action by filing a complaint on August 2, 2016, seeking judicial 18 review of the decision to denying her application for Social Security benefits. (Doc. 1) On August 5, 19 2016, the Court entered its Scheduling Order, setting forth the deadlines governing the action. (Doc. 7) 20 Plaintiff filed her opening brief in the matter on March 24, 2017. (Doc. 16) Pursuant to the 21 terms of the Scheduling Order, within thirty days of the opening brief, Defendant was to file a 22 responsive brief. (Doc. 7 at 2) Accordingly, the responsive brief was to be filed no later than April 24, 23 2017. To date, no response has been filed and Defendant has not requested an extension of time to 24 comply with the Court's order. 25 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: "Failure of counsel or of a 26 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any 27

Rules of Civil Procedure, Nancy A. Berryhill is substituted for her predecessor, Carolyn W. Colvin, as the defendant.

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<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal

and all sanctions . . . within the inherent power of the Court." Local Rule 110. "District courts have inherent power to control their dockets," and in exercising that power, a court may impose sanctions including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may impose sanctions based on a party's failure to prosecute an action or failure to obey a court order, or failure to comply with local rules. *See*, *e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (imposing sanctions for failure to comply with an order); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (imposition of sanctions for failure to comply with a court order).

Accordingly, Defendant is **ORDERED** to show cause within ten days of the date of service of this Order why the sanctions should not be imposed for failure to follow the Court's Order or, in the alternative, file a brief in response to the Plaintiff's opening brief.

IT IS SO ORDERED.

Dated: April 28, 2017 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE