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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA

8 SYLVIA KATE LYON,

9 Plaintiff,

10 v.

11 COMMISSIONER OF SOCIAL  
12 SECURITY,

13 Defendant.

Case No. 1:16-cv-01634-SAB

ORDER REQUIRING DEFENDANT TO FILE  
COPY OF ADMINISTRATIVE RECORD  
WITHIN FOURTEEN DAYS

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15 On October 28, 2016, Plaintiff filed the present action in this court seeking review of the  
16 Commissioner's denial of an application for benefits. (ECF No. 1.) On October 31, 2016, the  
17 Court issued a scheduling order. (ECF No. 5). The scheduling order states that within 120 days  
18 after service, Defendant shall file and serve a copy of the administrative record which shall be  
19 deemed an answer to the complaint. On December 6, 2016, proof of service was returned  
20 showing that Defendant was served by certified mail on November 18, 2016. (ECF No. 7.)  
21 More than 120 days have passed and Defendant has not filed the administrative record.

22 Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these  
23 Rules or with any order of the Court may be grounds for imposition by the Court of any and all  
24 sanctions . . . within the inherent power of the Court." The Court has the inherent power to  
25 control its docket and may, in the exercise of that power, impose sanctions where appropriate,  
26 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.  
27 2000).

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Accordingly, IT IS HEREBY ORDERED that:

1. Within fourteen days from the date of service of this order, Defendant shall file and serve a copy of the administrative record; and
2. Failure to respond to this order could result in the imposition of sanctions, up to an including an entry of default.

IT IS SO ORDERED.

Dated: March 22, 2017



UNITED STATES MAGISTRATE JUDGE