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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LINDA LEE SCHLYTER,
Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,
Defendant.

Case No. 1:16-cv-01710-SKO

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

_____ /

On November 9, 2016, Plaintiff, represented by counsel and proceeding *in forma pauperis*, filed the present action in this Court. (Doc. 1.) Plaintiff seeks review of the Commissioner's denial of her application for benefits. (*Id.*)

The Court entered a Scheduling Order on February 17, 2017. (Doc. 10.) The Scheduling Order provides that within 120 days after service, the Commissioner shall file and serve a copy of the administrative record, which shall be deemed an answer to the complaint. On August 3, 2017, proof of service was returned showing that the Commissioner was served by certified mail that same day (Doc. 13), causing the administrative record to become due on December 4, 2017. The Commissioner did not file the administrative record by December 4, 2017, in compliance with the Scheduling Order.

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

Accordingly, IT IS HEREBY ORDERED that:

1. Within fourteen (14) days from the date of service of this order, the Commissioner 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: December 11, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE