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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LINDA LEE SCHLYTER,

Plaintiff,

v.

CAROLYN W. COLVIN,

Acting Commissioner of Social Security,

Defendant.

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

**ORDER DISCHARGING FEBRUARY 3,
2017, ORDER TO SHOW CAUSE AND
GRANTING PLAINTIFF'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS**

/ (Docs. 6, 7)

ORDER

On February 3, 2017, the Court entered an Order to Show Cause requiring Plaintiff Linda Lee Schlyter, by February 10, 2017, to file an amended application to proceed in forma pauperis, to pay filing fee, or to otherwise show cause why the case should not be dismissed. (Doc. 6.) On February 17, 2017, Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs. (Doc. 7.) Plaintiff's application is, therefore, untimely.

Although the Court may extend time to file a response after the deadline has expired because of "excusable neglect," Fed. R. Civ. P. 6(b)(1)(B), no such excusable neglect has been articulated – much less shown – here. Notwithstanding this deficiency, in view of the liberal construction of Fed. R. Civ. 6(b)(1) to effectuate the general purpose of seeing that cases are tried on the merits, see *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9th Cir. 2010), the Court hereby DISCHARGES its February 3, 2017, Order to Show Cause. (Doc. 6.)

Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 7) demonstrates entitlement to proceed without prepayment of fees.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;
2. The Clerk of Court is DIRECTED to issue a summons; and
3. The United States Marshal is DIRECTED to serve a copy of the complaint, summons, and this order upon the defendant as directed by the plaintiff.

IT IS SO ORDERED.

Dated: February 17, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE