

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANDREW ELLIOTT,  
  
                    Plaintiff,  
  
          v.  
  
COMMISSIONER OF SOCIAL  
SECURITY,  
  
                    Defendant.

Case No. 1:16-cv-01763-SAB

**ORDER REQUIRING PLAINTIFF TO SHOW  
CAUSE WHY THIS ACTION SHOULD NOT  
BE DISMISSED FOR FAILURE TO  
PROSECUTE**

**SEVEN DAY DEADLINE**

On November 19, 2016, Plaintiff filed the present action in this court seeking review of the Commissioner’s denial of an application for benefits. On November 22, 2016, the Court issued a scheduling order. (ECF No. 4). The scheduling order states that within 95 days from the filing of the administrative record, Plaintiff shall file an opening brief. Defendant lodged the Social Security administrative record on April 18, 2017. (ECF No. 9.) The parties stipulated for an extension of time for Plaintiff to serve the letter brief on the Commissioner. (ECF Nos. 10, 11.) Accordingly, Plaintiff’s opening brief was due thirty days after Defendant’s service of the response to Plaintiff’s opening brief. (ECF No. 5 at 3.) Defendant’s serve the responsive brief on July 24, 2017. (ECF No. 13.) More than thirty days have passed and Plaintiff has not filed his opening brief.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these

