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

JOSETTE JEANEEN TORREZ,  
  
Plaintiff,  
  
v.  
  
NANCY A. BERRYHILL, Commissioner  
of Social Security,<sup>1</sup>  
  
Defendant.

**Case No. 1:17-cv-00095-EPG**  
  
**ORDER DISCHARGING ORDER TO  
SHOW CAUSE AND AMENDING  
SCHEDULING ORDER**

On May 19, 2016, Plaintiff filed a complaint requesting a review of the Commissioner's denial of benefits. (ECF No. 1.) Pursuant to this Court's scheduling order and subsequent stipulations, Plaintiff filed her opening brief on November 4, 2016. (ECF No. 14.) Defendant has filed one stipulation requesting an extension of time to file her opposition brief. (ECF No. 15.) In that stipulation, Defendant agreed to file her opposition brief no later than January 19, 2017. Defendant did not file her opposition brief by that deadline and the Court issued an Order to Show Cause why sanctions should not be imposed for her failure to comply with court orders. (ECF No. 20.)

On February 17, 2017, Defendant filed a response to the Order to Show Cause, explaining

<sup>1</sup> Consistent with Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill, the new acting Commissioner of Social Security, is substituted in place of Carolyn W. Colvin.

1 that defense counsel has a heavy workload and inadvertently missed the filing deadline. (ECF No.  
2 22.) Defendant simultaneously filed an opposition brief.

3 The Court is willing to accept defense counsel's representation that he is undertaking  
4 additional efforts to avoid missing future deadlines and will accept the opposition brief as timely  
5 filed. The Order to Show Cause (ECF No. 20) is DISCHARGED.

6 The Court notes, however, that this is not the first time that defense counsel has failed to  
7 meet a scheduled deadline, nor even the first time that the Court has been required to issue an  
8 Order to Show Cause. Attorneys are responsible for meeting the scheduled deadlines in their  
9 cases and the Court is not required to invest time and resources into ensuring that attorneys are  
10 meeting such a minimal level of practice. Failures to comply with scheduling orders waste Court  
11 resources, unfairly impact plaintiff counsel's time, and unnecessarily delay proceedings for the  
12 plaintiffs themselves, many of whom have waited years for a final decision regarding their cases.  
13 Defense counsel is thus advised that any future failures will be met with sanctions.

14 Based on Defendant's late filed opposition brief, Plaintiff may have additional time to file  
15 a reply brief, if she desires. Plaintiff may file any reply brief no later than **March 8, 2017**.

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17 IT IS SO ORDERED.

18 Dated: February 21, 2017

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE

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