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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 EULALIA PEREZ,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL
15 SECURITY,

16 Defendant.

Case No. 1:17-cv-00112-SAB

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

SEVEN DAY DEADLINE

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18 On January 23, 2017, Plaintiff Eulalia Perez (“Plaintiff”) filed this action seeking review
19 of the denial of her application for disability benefits pursuant to the Social Security Act. On
20 January 26, 2017, the Court issued a scheduling order. (ECF No. 6). The scheduling order states
21 that within 95 days from the filing of the administrative record, Plaintiff shall file an opening
22 brief. (Id. at ¶¶ 3-6.) Defendant lodged the Social Security administrative record on June 22,
23 2017. (ECF No. 13.) More than 95 days have passed and Plaintiff has not filed an opening brief
24 nor sought an extension of time to do so.

25 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
26 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
27 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
28 control its docket and may, in the exercise of that power, impose sanctions where appropriate,

1 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
2 2000).

3 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall file a written response to
4 this order to show cause why this action should not be dismissed for failure to prosecute within
5 seven (7) days of the date of service of this order. Failure to comply with this order to show
6 cause shall result in this action being dismissed for failure to prosecute.

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IT IS SO ORDERED.

Dated: September 29, 2017



UNITED STATES MAGISTRATE JUDGE