

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

KENT ANTHONY RUTLEDGE,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

Case No. 1:17-cv-00366-SAB
ORDER TO SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR FAILURE
TO COMPLY WITH COURT ORDER AND
FAILURE TO PROSECUTE
SEVEN DAY DEADLINE

On March 13, 2017, Plaintiff filed the present action in this court seeking review of the Commissioner’s denial of an application for benefits. On March 14, 2017, the Court issued a scheduling order. (ECF No. 3). The scheduling order states that within 30 days of the date of service of Defendant’s confidential letter brief, Plaintiff shall file an opening brief. Defendant served her confidential letter brief on October 23, 2017. (ECF No. 10.) On November 27, 2017, the Court granted the parties’ stipulation for an extension of time to file the opening brief. (ECF No. 12.) On December 19, 2017, the Court granted the parties’ second stipulation to extend time for Plaintiff to file his opening brief. (ECF Nos. 13, 14.) Plaintiff’s opening brief was due on February 5, 2018. (ECF No. 14.) Plaintiff did not file an opening brief in compliance with the December 19, 2018 order.

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

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 County, 216 F.3d 837, 841 (9th Cir. 2000).

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

IT IS SO ORDERED.

Dated: February 6, 2018


UNITED STATES MAGISTRATE JUDGE