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

|   |   |                                      |
|---|---|--------------------------------------|
| CYNTHIA STILLS,                         | ) | Case No.: 1:17-cv-00486 - JLT        |
|   | ) |                                      |
| Plaintiff,                              | ) | ORDER TO SHOW CAUSE WHY THE ACTION   |
|   | ) | SHOULD NOT BE DISMISSED FOR          |
| v.                                      | ) | PLAINTIFF'S FAILURE TO PROSECUTE AND |
|   | ) | FAILURE TO COMPLY WITH THE COURT'S   |
| NANCY A. BERRYHILL <sup>1</sup> ,       | ) | ORDER                                |
| Acting Commissioner of Social Security, | ) |                                      |
|   | ) |                                      |
| Defendant.                              | ) |                                      |
|   | ) |                                      |

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Cynthia Stills initiated this action by filing a complaint on April 5, 2017, seeking judicial review of the decision to denying her application for Social Security benefits. (Doc. 1) On April 11, 2017, the Court entered its Scheduling Order, setting forth the applicable deadlines. (Doc. 5) Pursuant to the Scheduling Order, the parties exchanged confidential letter briefs, with Defendant serving the Commissioner's response on November 6, 2017. (Doc. 12)

In the Court's Scheduling Order, Plaintiff was ordered to file an opening brief addressing "each claimed error" by the administrative law judge within thirty days of the date of service of the Commissioner's response. (See Doc. 5 at 2, explaining the applicable briefing deadlines.) Plaintiff requested a thirty-day extension of time, which was granted by the Court. (Docs. 13, 14) Therefore,

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<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Court substitutes Nancy A. Berryhill for her predecessor, Carolyn W. Colvin, as the defendant.

1 Plaintiff was ordered to “file an opening brief no later than **January 5, 2018.**” (Doc. 14 at 1) To date,  
2 she has not filed an opening brief or requested a further extension of time.

3 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a  
4 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any  
5 and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have  
6 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions  
7 including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831  
8 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute  
9 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*  
10 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order);  
11 *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with  
12 a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to  
13 prosecute and to comply with local rules).

14 Accordingly, Plaintiff is **ORDERED** to show cause within fourteen days of the date of service  
15 of this Order why the action should not be dismissed for her failure to prosecute or to follow the  
16 Court’s Order or to file the opening brief.

17  
18 IT IS SO ORDERED.

19 Dated: January 16, 2018

/s/ Jennifer L. Thurston  
20 UNITED STATES MAGISTRATE JUDGE