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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHELLE FARNSWORTH.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:17-cv-00653-BAM

**ORDER TO SHOW CAUSE WHY  
DEFENDANT’S RESPONSIVE BRIEF  
SHOULD NOT BE STRICKEN AND THE  
PLAINTIFF’S SOCIAL SECURITY ACTION  
DEEMED UNOPPOSED**

**RESPONSE DUE: September 21, 2018**

On May 10, 2017, Plaintiff Michelle Farnsworth filed a complaint seeking review of the Commissioner’s denial of her social security benefits. On May 11, 2017, this Court entered a scheduling order in this action. (Doc. 7). Pursuant to the Court’s scheduling order, Defendant was required to evaluate this case and determine whether remand to the Commissioner is warranted. (Doc. 7 at 6). In the event that Defendant did not agree to remand, Defendant was required to file a responsive brief that includes:

- (a) a plain description of appellant’s alleged physical or emotional impairments, when appellant contends they became disabling, and how they disable appellant from work;
- (b) a summary of all relevant medical evidence including an explanation of the significance of clinical and laboratory findings and the purpose and effect of prescribed medication and therapy;
- (c) a summary of the relevant testimony at the administrative hearing;
- (d) a recitation of the Commissioner’s findings and conclusions relevant to appellant’s

1 claims;

2 (e) a short, separate statement of each of appellant's legal claims stated in terms of the  
3 insufficiency of the evidence to support a particular finding of fact or reliance upon an  
4 erroneous legal standard; and

5 (f) argument separately addressing each claimed error. Argument in support of each claim  
6 of error must be supported by citation to legal authority and explanation of the application  
7 of such authority to the facts of the particular case.

8 (Doc. 7-1 at 3-4). Defendant was warned that briefs that do not substantially comply with these  
9 requirements will be stricken. (Doc. 7-1 at 4).

10 On February 13, 2018, Defendant filed her responsive brief which fails to comply with the  
11 briefing requirements set forth above. (Doc. 19). Despite an extension of time, Defendant's  
12 responsive brief fails to include a summary of the relevant medical evidence and a summary of the  
13 relevant hearing testimony. Perhaps most troubling, Defendant failed to meaningfully respond to  
14 many of the claimed errors raised in Plaintiff's opening brief. The Court cannot overlook such  
15 disregard of the briefing requirements imposed in this action.

16 Accordingly, the Court **HEREBY ORDERS** Defendant to SHOW CAUSE in writing on  
17 or before **September 21, 2018**, why her responsive brief should not be stricken from the record  
18 and Plaintiff's appeal deemed unopposed.

19  
20 IT IS SO ORDERED.

21 Dated: **September 14, 2018**

*/s/ Barbara A. McAuliffe*  
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UNITED STATES MAGISTRATE JUDGE