

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

JEREMY LEWIS REAL,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

Case No. 1:17-cv-01234-SKO

**ORDER THAT PLAINTIFF FILE A
WRITTEN STATEMENT SHOWING
CAUSE WHY CASE SHOULD NOT BE
DISMISSED OR THAT PLAINTIFF FILE
AN OPENING BRIEF**

(Doc. 13)

On September 14, 2017, Plaintiff, represented by counsel and proceeding *in forma pauperis*, filed the present action in this Court. (Doc. 1.) Plaintiff seeks review of the Commissioner’s denial of his application for benefits. (*See id.*)

Pursuant to the “Stipulation Extending Briefing Schedule” (the “Stipulation”), Plaintiff’s Opening Brief was due **May 29, 2018**.¹ (*See* Doc. 13.) On May 29, 2018, Plaintiff failed to file and serve his Opening Brief with the Court and on opposing counsel, and, to date, no Opening Brief has been filed or served. (*See* Docket.) Plaintiff is, therefore, ordered to show cause, if any, why the action should not be dismissed for failure to comply with the Stipulation and for want of prosecution. Alternatively, Plaintiff may file an Opening Brief.

//

¹ The Stipulation was filed pursuant to the Scheduling Order, which permits “a single thirty (30) day extension of any part of this scheduling order by stipulation of the parties” without Court approval. (Doc. 5-1 ¶ 12.)

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

Accordingly, it is HEREBY ORDERED that:

- 1. By no later than **June 15, 2018**, Plaintiff shall **either**:
 - a. file a written response to this Order showing cause why the Court should not dismiss this action for failure to comply with the Stipulation and for want of prosecution; or
 - b. file an Opening Brief.

Failure to respond to this Order to Show Cause will result in dismissal of this action.

IT IS SO ORDERED.

Dated: **June 5, 2018**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE