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

MITCHELL HERNANDEZ,
Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case No. 1:17-cv-01246-EPG

**ORDER TO SHOW CAUSE FOR
FAILURE TO PROSECUTE**

(ECF No. 6-1)

On September 19, 2017, the Court issued a Scheduling Order. (ECF No. 6-1.) Under the Scheduling Order, the Court set forth the following schedule: (1) within 30 days after service of the administrative record (“AR”), Plaintiff is to serve on Defendant a letter brief; (2) within 35 days after service of Plaintiff’s letter brief, Defendant is to serve a response to the letter brief; (3) if the parties agree to a remand, they are to file a stipulation to do so within 15 days after Defendant’s response is served on Plaintiff; (4) if the parties do not agree to a remand, Plaintiff is to file and serve her opening brief within 30 days after service of Defendant’s response to Plaintiff’s letter brief. (ECF No. 601 at 2-3.) Under this timeline, the parties are to file a stipulation for remand within 80 days of the lodging of the AR or, if no stipulation is reached, Plaintiff is to file her opening brief within 95 days of the lodging of the AR.

The AR was lodged with the Court on February 27, 2018. (ECF Nos. 11, 12.) As of today’s date, 134 days have passed since the AR was lodged. To date, the parties have not filed a

1 stipulation to remand the case, and Plaintiff has not filed an opening brief. Therefore, Plaintiff
2 is ORDERED TO SHOW CAUSE why the action should not be dismissed for failure to comply
3 with the Court's Scheduling Order. Plaintiff shall file a written response to the Order to Show
4 Cause within ten (10) days of the date of this Order. If Plaintiff desires more time to file an
5 opening brief, Plaintiff should so state in her response. Failure to respond to this Order to Show
6 Cause within the time specified will result in dismissal of this action.

7
8 IT IS SO ORDERED.

9 Dated: July 11, 2018

/s/ Eric P. Gray
10 UNITED STATES MAGISTRATE JUDGE