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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

9 JOSEPH McCOY,

10 Plaintiff,

11 v.

12 COMMISSIONER OF SOCIAL SECURITY,

13 Defendant.

Case No. 1:17-cv-01315-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

SEVEN DAY DEADLINE

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15 On September 29, 2017, Plaintiff Joseph McCoy filed the present action in this court
16 seeking review of the Commissioner’s denial of an application for benefits. On October 3, 2017,
17 the Court issued a scheduling order. (ECF No. 5). The scheduling order states that within 95
18 days from the filing of the administrative record, Plaintiff shall file an opening brief. Defendant
19 lodged the Social Security administrative record on February 1, 2018. (ECF No. 10.) Pursuant
20 to the stipulation of the parties, on May 2, 2018, Plaintiff received an extension of time to file his
21 opening brief and it was due on or before June 4, 2018. (ECF No. 14.) Plaintiff has not filed an
22 opening brief in compliance with the May 2, 2018 order nor sought an extension of time to do so.

23 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
24 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
25 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
26 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
27 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
28 2000).

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

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6 IT IS SO ORDERED.

7 Dated: June 5, 2018


UNITED STATES MAGISTRATE JUDGE

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