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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 DISCHARGING ORDER TO
SHOW CAUSE AND DIRECTING CLERK
OF THE COURT TO CLOSE CASE

(ECF Nos. 15, 16, 17)

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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 May 2, 2018, at
17 the stipulation of the parties, an order was filed extending the time for Plaintiff to file an opening
18 brief. Plaintiff's opening brief was due on June 4, 2018. Plaintiff did not file a timely opening
19 brief. On June 5, 2018, an order was filed requiring Plaintiff to show cause why this action
20 should not be dismissed for failure to file an opening brief.

21 On June 6, 2018, a stipulation to dismiss this action with prejudice with the parties to
22 bear their own attorney fees, costs, and expenses was filed. On June 8, 2018, Plaintiff filed a
23 response to the order to show cause. Based on Plaintiff's response the order to show cause shall
24 be discharged. Additionally, in light of the stipulation of the parties, this action has been
25 terminated, Fed. R. Civ. P. 41(a)(1)(A)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th
26 Cir. 1997), and is dismissed with prejudice with the parties to bear their own attorney fees, costs,
27 and expenses.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The order to show cause, filed June 5, 2018, is DISCHARGED; and
3 2. The Clerk of the Court ORDERED to CLOSE the file in this case and adjust the
4 docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

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6 IT IS SO ORDERED.

7 Dated: June 8, 2018


UNITED STATES MAGISTRATE JUDGE