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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VALERIE ANN FRANCESCONI,)	Case No.: 1:17-cv-01391 - JLT
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY THE ACTION
)	SHOULD NOT BE DISMISSED FOR
v.)	PLAINTIFF’S FAILURE TO PROSECUTE AND
)	FAILURE TO COMPLY WITH THE COURT’S
NANCY A. BERRYHILL,)	ORDER
Acting Commissioner of Social Security,)	
)	
Defendant.)	

Valerie Francesconi initiated this action by filing a complaint on August 13, 2017, seeking judicial review of the decision to denying an application for Social Security benefits. (Doc. 1) On December 11, 2017, the Court issued its Scheduling Order, setting forth the applicable deadlines. (Doc. 6) Pursuant to the Scheduling Order, the parties exchanged confidential letter briefs, with Defendant serving the Commissioner’s response on June 27, 2018. (Doc. 14)

In the Scheduling Order, the Court required Plaintiff to file an opening brief addressing “each claimed error” by the administrative law judge within thirty days of the date of service of the Commissioner’s response. (*See* Doc. 6 at 2, explaining the applicable briefing deadlines) Therefore, Plaintiff’s opening brief was due August 27, 2018. To date, Plaintiff has not filed an opening brief or requested an extension of time.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any

1 and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have
2 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions
3 including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831
4 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute
5 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*
6 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order);
7 *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with
8 a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
9 prosecute and to comply with local rules).

10 Accordingly, Plaintiff is **ORDERED** to show cause within fourteen days of the date of service
11 of this Order why the action should not be dismissed for failure to prosecute and to follow the Court’s
12 order or to file an opening brief.

13
14 IT IS SO ORDERED.

15 Dated: August 31, 2018

/s/ Jennifer L. Thurston
16 UNITED STATES MAGISTRATE JUDGE