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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WENDY WEINLE,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

Case No. 1:19-cv-00122-JDP

ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

THIRTY-DAY DEADLINE

Plaintiff Wendy Weinle appealed defendant’s decision denying her application for Social Security benefits by filing a complaint before this court on January 28, 2019. ECF No. 1. On February 1 I issued a scheduling order, setting a deadline thirty days after service of the administrative record for plaintiff (1) to serve defendant with her letter brief and (2) to file proof of service. ECF No. 5, ¶ 3. Defendant filed the administrative record on July 24, 2019. ECF No. 9. Plaintiff has not filed a proof of service of her letter brief.

To manage the docket effectively, I impose deadlines on litigants and requires litigants to meet those deadlines. When a plaintiff fails to comply with court-imposed deadlines, I may dismiss the plaintiff’s case for failure to prosecute. *See* Fed. R. Civ. P. 41; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (“[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at

1 least under certain circumstances.”). Involuntary dismissal is a harsh penalty, but the court has a
2 duty to administer justice expeditiously and avoid needless burden for the parties. *See*
3 *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

4 I will give plaintiff the opportunity to explain why the court should not dismiss the case
5 for her failure to prosecute. Plaintiff’s failure to respond to this order will constitute a failure to
6 comply with a court order and will result in dismissal of this case. Accordingly, plaintiff must
7 show cause within thirty days of the date of entry of this order why the court should not dismiss
8 her case for failure to prosecute.

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10 IT IS SO ORDERED.

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12 Dated: October 9, 2019


UNITED STATES MAGISTRATE JUDGE

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16 No. 205

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