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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID OGDEN,

Plaintiff,

No. CIV S-08-3128 EFB

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

ORDER TO SHOW CAUSE

Defendant.

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Plaintiff filed his complaint and a motion to proceed in this action *in forma pauperis* on December 23, 2008. Dckt. Nos. 1, 2. On February 9, 2009, this court granted plaintiff’s motion to proceed *in forma pauperis* and issued a scheduling order setting forth, *inter alia*, a deadline by which defendant was required to file the administrative transcript and an answer or other response to plaintiff’s complaint, and a deadline by which plaintiff was required to file a motion for summary judgment and/or remand. Dckt. No. 4. The scheduling order further provided that “[f]ailure to comply with any portion of this schedule may result in sanctions, including striking a motion from calendar, or striking the complaint or answer.” *Id.* at 3. On June 15, 2009, defendant filed the administrative transcript and an answer to plaintiff’s complaint. Dckt. Nos. 10, 11.

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1 On August 3, 2009, the parties filed a stipulation to extend the deadline for plaintiff's
2 summary judgment motion from August 3, 2009 to November 3, 2009. Dckt. No. 13. On
3 August 4, 2009, the undersigned approved the parties' stipulation and granted plaintiff the
4 requested extension. Dckt. No. 14. The court further stated that "[g]iven the length of the
5 extension granted herein, the court is not inclined to grant any further requests for additional
6 time absent a showing of substantial cause." *Id.* On November 3, 2009, the parties again filed a
7 stipulation to extend the deadline for plaintiff's summary judgment motion from November 3,
8 2009 to November 20, 2009. Dckt. No. 15. On November 6, 2009, the undersigned reluctantly
9 approved the stipulation. Dckt. No. 16.

10 The court's docket reveals that plaintiff has not filed a motion for summary judgment,
11 and has not otherwise communicated with the court since the court approved the November 3,
12 2009 stipulation. Accordingly, plaintiff is ordered to show cause in writing on or before January
13 4, 2010, why this case should not be dismissed for lack of prosecution. Failure to timely file the
14 required writing will result in dismissal. *See* Fed. R. Civ. P. 41(b).

15 SO ORDERED.

16 DATED: December 21, 2009.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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