IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND SANDERS,

        Plaintiff,   No. 2:09-cv-01021 KJN

      vs.

MICHAEL J. ASTRUE,   ORDER TO SHOW CAUSE
Commissioner of Social Security,

        Defendant.

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      Plaintiff, who is represented by counsel, filed his complaint and motion to proceed in this action in forma pauperis on April 15, 2009. (Dkt. Nos. 1, 2.) On April 24, 2009, this court granted plaintiff's motion to proceed in forma pauperis (Dkt. No. 3) and issued a scheduling order setting forth, among other things, 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. (Dkt. No. 4.) The scheduling order further provided that "FAILURE TO COMPLY WITH ANY PORTION OF THIS SCHEDULE MAY RESULT IN SANCTIONS, INCLUDING STRIKING A MOTION FROM CALENDAR, OR STRIKING THE COMPLAINT OR ANSWER." (Dkt. No. 4, at 2.) On September 11, 2009, defendant lodged the administrative transcript with the court and filed an answer to plaintiff's complaint. (Dkt. Nos. 10, 11.)

On October 29, 2009, the parties filed a stipulation and proposed order seeking an order extending the date by which plaintiff would be required to file a motion for summary judgment from October 29, 2009 to January 26, 2010. (Dkt. No. 14.) On November 13, 2009, the court approved the parties' stipulation and granted the requested extension. (Dkt. No. 15.)

The court's docket reveals that plaintiff has not filed a motion for summary judgment, and has not otherwise communicated with the court since the court approved the October 29, 2009 stipulation. Accordingly, plaintiff is ordered to show cause in writing on or before March 4, 2010 why this case should not be dismissed for lack of prosecution. Failure to timely file the required writing will result in dismissal. See Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

DATED: February 18, 2010

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE