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

JAMES C. BRACKETT,  
Plaintiff,

No. CIV S-09-1233-CMK

vs.

ORDER

COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

\_\_\_\_\_ /

Plaintiff, who is proceeding with retained counsel, brings this action for judicial review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g). Pursuant to the court’s scheduling order, plaintiff is required to prosecute this action by either seeking voluntary remand or filing a dispositive motion within 45 days from the date of service of the administrative record by defendant. Plaintiff was warned that failure to comply may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. A review of the docket reflects that the answer and certified administrative record were served on September 15, 2009, and thereafter the court extended the deadline to file a dispositive motion to May 4, 2010. To date, plaintiff has not filed a dispositive

1 motion.

2 Plaintiff shall show cause in writing, within 30 days of the date of this order, why  
3 this action should not be dismissed for failure to file a dispositive motion. Plaintiff is again  
4 warned that failure to respond to this order may result in dismissal of the action for the reasons  
5 outlined above, as well as for failure to prosecute and comply with court rules and orders. See id.

6 IT IS SO ORDERED.

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8 DATED: May 6, 2010

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10 **CRAIG M. KELLISON**  
11 UNITED STATES MAGISTRATE JUDGE

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