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

DAVID R. DOBSON,

Plaintiff,

No. 2:09-cv-01460-KJN

v.

ORDER TO SHOW CAUSE

MICHAEL C. ASTRUE,
Commissioner of Social Security,

Defendant.

_____/

Plaintiff, who is represented by counsel, filed his complaint and application to proceed in this action in forma pauperis on May 27, 2009. (Dkt. Nos. 1, 3.) On June 17, 2009, this court granted plaintiff’s motion to proceed in forma pauperis (Dkt. No. 4) 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. 5.) The scheduling order provides, in part: “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. 5 at 2.)

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1 On February 25, 2010, defendant lodged the administrative transcript with the
2 court and filed an answer to plaintiff's complaint. (Dkt. Nos. 15-17.)

3 On April 6, 2010, the parties filed a stipulation and proposed order seeking an
4 order extending the date by which plaintiff would be required to file a motion for summary
5 judgment to May 17, 2010. (Dkt. No. 19.) On April 7, 2010, the court approved the parties'
6 stipulation and granted the requested extension. (Dkt. No. 20.)

7 Plaintiff did not file his motion for summary judgment on or before May 17, 2010.
8 On May 25, 2010, the court entered an order to show cause why plaintiff's case should not be
9 dismissed for failure to prosecute. (Dkt. No. 21.) The parties then filed a stipulation and
10 proposed order seeking another extension of time for plaintiff to file his motion, as the parties
11 were conducting settlement discussions. (Dkt. No. 22.) The court approved the stipulation, and
12 plaintiff's motion for summary judgment was due on July 15, 2010. (Dkt. No. 23.)

13 The court's docket reveals that plaintiff has not filed a motion for summary
14 judgment, and has not otherwise communicated with the court since the court approved the
15 May 25, 2010 stipulation. Accordingly, plaintiff is ordered to show cause in writing, on or
16 before August 5, 2010, why this case should not be dismissed for lack of prosecution. Failure to
17 timely file the required writing will also result in dismissal. See Fed. R. Civ. P. 41(b); Local
18 Rules 110, 183(a); see also Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689
19 (9th Cir. 2005) (recognizing that a court may dismiss an action pursuant to Federal Rule of Civil
20 Procedure 41(b) *sua sponte* for a plaintiff's failure to prosecute or comply with the rules of civil

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1 procedure or the court's orders); Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam)
2 ("Failure to follow a district court's local rules is a proper ground for dismissal.")

3 IT IS SO ORDERED.

4 DATED: July 19, 2010

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KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE

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