

1  
2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 MICHAEL NUNEZ,

No. CIV S-09-1975-CMK

12 Plaintiff,

13 vs.

ORDER

14 COMMISSIONER OF SOCIAL  
15 SECURITY,

16 Defendant.  
17 \_\_\_\_\_/

18 Plaintiff, who is proceeding with retained counsel, brings this action for judicial  
19 review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g).  
20 Pursuant to the court's scheduling order, plaintiff is required to prosecute this action by either  
21 seeking voluntary remand or filing a dispositive motion within 45 days from the date of service of  
22 the administrative record by defendant. Plaintiff was warned that failure to comply may result in  
23 dismissal of this action for lack of prosecution and failure to comply with court rules and orders.  
24 See Local Rule 110. A review of the docket reflects that, following numerous extensions of time,  
25 plaintiff's dispositive motion was due by September 22, 2010. To date, plaintiff has not filed a  
26 dispositive motion.

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

5 IT IS SO ORDERED.

6  
7 DATED: September 30, 2010

8   
9 **CRAIG M. KELLISON**  
10 UNITED STATES MAGISTRATE JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26