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

COLLEEN M. SCHENKEL,

No. CIV S-09-2661-CMK

Plaintiff,

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 February 26, 2010. To date, plaintiff has not filed a dispositive motion.

1 A review of the docket also reflects that, while defendant has notified the court
2 regarding consent to proceed before a Magistrate Judge, plaintiff has not notified the court
3 regarding consent. Pursuant to the court's scheduling order and Eastern District of California
4 Local Rules, Appendix A, the time to do so has now expired.

5 Plaintiff shall show cause in writing, within 30 days of the date of this order, why
6 this action should not be dismissed for failure to file a dispositive motion. Plaintiff shall also
7 show cause in writing, within 30 days of the date of this order, why this action should not be
8 dismissed for failure to inform the court regarding consent to Magistrate Judge jurisdiction, as
9 required by the court's scheduling order. The Clerk of the Court is directed to serve on plaintiff a
10 copy of the court's form entitled "Consent to Assignment or Request for Reassignment."
11 Plaintiff is warned that failure to respond to this order may result in the dismissal of the action
12 for the reasons discussed above, as well as for failure to prosecute and comply with court rules
13 and orders. See Local Rule 11-110.

14 IT IS SO ORDERED.

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16 DATED: July 22, 2010

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18 **CRAIG M. KELLISON**
19 UNITED STATES MAGISTRATE JUDGE
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