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

THOMAS ALAN CAMPO,

Plaintiff,

No. 2:11-cv-01028 KJN

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER TO SHOW CAUSE

_____/

Plaintiff, who is represented by counsel, filed his complaint and application to proceed in this action in forma pauperis on April 15, 2011 (Dkt. Nos. 1-2.) On April 21, 2011, 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.

(See Scheduling Order at 2-3, Dkt. No. 5.) The scheduling order also provides:

The court will not contact counsel or the parties to remind them of these scheduling deadlines. Failure to adhere to the schedule outlined above may result in sanctions, including dismissal. L.R 110. Plaintiff has an affirmative duty to prosecute this action, and failure to do so may result in a dismissal for lack of prosecution. Fed. R. Civ. P. 41(b).

(Id. at 3.)

1 On August 30, 2011, defendant lodged the administrative transcript with the court
2 and filed an answer to plaintiff's complaint (Dkt. Nos. 11-13). Pursuant to the court's scheduling
3 order, plaintiff's motion for summary judgment or remand was due on or before October 14,
4 2011. However, the court's docket reveals that plaintiff has not filed a motion for summary
5 judgment or remand.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff shall show cause in writing, on or before December 16, 2011,
8 why this case should not be dismissed for lack of prosecution. Failure to timely file the required
9 writing will result in dismissal. See Fed. R. Civ. P. 41(b); Local Rules 110, 183(a); see also
10 Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (recognizing
11 that a court may dismiss an action pursuant to Federal Rule of Civil Procedure 41(b) *sua sponte*
12 for a plaintiff's failure to prosecute or comply with the rules of civil procedure or the court's
13 orders); Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam) ("Failure to follow a
14 district court's local rules is a proper ground for dismissal.")

15 2. On or before December 16, 2011, plaintiff shall file either his motion for
16 summary judgment or remand, or a stipulation and proposed order seeking a continuance of the
17 briefing deadlines in this case.

18 IT IS SO ORDERED.

19 DATED: November 14, 2011

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22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE
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