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

ADELE MARIE McCULLOCH,

Plaintiff,

No. 2:12-cv-2329 EFB

vs.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

ORDER

\_\_\_\_\_ /  
This case is before the undersigned pursuant to the parties' consent. *See* 28 U.S.C. § 636(c). Pursuant to the court's scheduling order, plaintiff was required to file her motion for summary judgment on March 28, 2013. Dckt. No. 5. On April 1, 2013, the court approved the parties' stipulation to extend plaintiff's time to file her motion to April 12, 2013. Dckt. No. 16. Plaintiff failed to file her motion by that date. Therefore, on April 19, 2013, the court ordered plaintiff to show cause why sanctions should not be imposed for her failure to timely file a motion for summary judgment. Dckt. No. 17.

On April 26, 2013, counsel for defendant filed a declaration regarding the order to show cause. Dckt. No. 20. Defendant's counsel explains that Ms. Brewer, plaintiff's attorney, contacted him on April 17, 2013, and informed him that the transcript in this case was

1 incomplete. The missing pages from the transcript were obtained on April 18, 2013, and a  
2 modified administrative transcript was filed with the court on April 23, 2013.

3 While defendant's counsel responded to the court's April 19, 2013 order, plaintiff has  
4 not. That order specifically required plaintiff to show cause why sanctions should not be  
5 imposed; it did not require a response from defendant. The response submitted by defendant's  
6 counsel does not excuse plaintiff's failure to comply with this court's orders. Nevertheless, in  
7 light of defendant's counsel's representations, the court will reluctantly discharge the April 19,  
8 2013 order to show cause. No sanctions will be imposed. However, Ms. Brewer is admonished  
9 that she must follow this court's orders, and future failures to do so may result in the imposition  
10 of sanctions.

11 Accordingly, it is ORDERED that the April 19, 2013 order to show cause, Dckt. No. 17,  
12 is discharged.

13 Dated: June 3, 2013.

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15 EDMUND F. BRENNAN  
16 UNITED STATES MAGISTRATE JUDGE  
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