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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 CLARENCE ROBERT BENCH,

No. 2:13-cv-0467 AC

12 Plaintiff,

13 v.

ORDER AND

14 CAROLYN W. COLVIN, Acting  
15 Commissioner of Social Security,

ORDER TO SHOW CAUSE

16 Defendant.  
17

18 On March 7, 2013, plaintiff, proceeding pro se, initiated this action by filing a complaint  
19 and an application to proceed in forma pauperis. On May 1, 2013, the undersigned granted  
20 plaintiff's application and directed the Clerk's Office to issue a scheduling order. The scheduling  
21 order that issued on that date ordered the defendant to file the administrative record and an  
22 answer within 90 days from the service of the complaint. Plaintiff was ordered to either file a  
23 motion for summary judgment and/or remand within 45 days from being served with a copy of  
24 the administrative record, or to submit new evidence with a request for voluntary remand to the  
25 Office of the General Counsel located in San Francisco, California. See ECF No. 7 at 2 ¶ 3. If  
26 plaintiff chose to request voluntary remand, a copy of the request for voluntary remand was  
27 required to be served on the defendant. Within 30 days from the date of service of such evidence,  
28 or 30 days after the filing of the answer, whichever was later, defendant was required to notify the

1 plaintiff whether or not the case would be voluntarily remanded. Within 45 days from  
2 notification that remand is declined, plaintiff was required to file a motion for summary judgment  
3 and/or remand in this court.

4 The docket in this case reflects that defendant filed an answer and the administrative  
5 record on August 27, 2013. See ECF Nos. 11-12. On February 19, 2014, plaintiff filed a notice  
6 of additional information. ECF No. 14. To date, however, he has not filed a motion for summary  
7 judgment and/or a motion for remand.

8 Also on May 1, 2014, an Order Re Consent or Request for Reassignment was issued in  
9 this case, together with the appropriate form. All parties were required to complete and file the  
10 form within 90 days. Although the 90-day period has expired, and defendant filed a completed  
11 form on June 5, 2013, plaintiff has not yet filed the required form.

12 Accordingly, IT IS ORDERED that:

- 13 1. The Clerk of the Court is directed to re-serve plaintiff with the court's May 1, 2013  
14 scheduling order (ECF No. 7);
- 15 2. Within thirty (30) days from the date of this order, plaintiff shall file a motion for  
16 summary judgment and/or a motion for remand in compliance with the court's  
17 scheduling order. Failure to do so will result in a dismissal of this action.
- 18 3. Plaintiff shall also show good cause in writing, within thirty (30) days after this order  
19 is filed, for failing to file a completed consent or request for reassignment form.

20 Prompt filing of a completed form will be deemed full compliance with this order and  
21 will discharge the order to show cause.

22 DATED: April 4, 2014

23   
24 ALLISON CLAIRE  
25 UNITED STATES MAGISTRATE JUDGE  
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