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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHERRY PROSSER,
Plaintiff,
v.
CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
Defendant.

No. 2:14-cv-0009 CKD

ORDER TO SHOW CAUSE

Defendant has filed an answer in this action. Pursuant to the scheduling order, the time has now passed for plaintiff to file a motion for summary judgment and/or motion for remand. The parties were advised in the scheduling order that the court is not responsible for reminding them of scheduling deadlines and that failure to adhere to the schedule may result in sanctions, including dismissal. L.R. 110. Plaintiff also was advised that plaintiff has an affirmative duty to prosecute this action, and that failure to do so may result in a dismissal for lack of prosecution. Fed. R. Civ. P. 41(b).


This is the third time that plaintiff has failed to comply with the court's order. Orders to show cause were issued on June 5, 2014 due to plaintiff's failure to effectuate proper service of process and again on September 17, 2014 due to plaintiff's failure to timely serve the consent

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1 form. Plaintiff's counsel appears to have little regard for the court's scheduling order; in the
2 alternative it may be that plaintiff's counsel has an ineffective calendaring system.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff show cause, in writing, no later
4 than fourteen days from the date of this order, why this action should not be dismissed for failure
5 to prosecute and why sanctions should not be imposed under Local Rule 110 on plaintiff's
6 counsel for failure to comply with the court's order. In responding to the order to show cause,
7 plaintiff's counsel shall include in said response an affidavit setting forth in detail the calendaring
8 system of his law office.

9 Dated: November 12, 2014

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11 _____
12 CAROLYN K. DELANEY
13 UNITED STATES MAGISTRATE JUDGE

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