

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RENEE G. SCARBOROUGH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:15-cv-0146-KJN

ORDER

On March 11, 2015, the court granted plaintiff's application to proceed *in forma pauperis* and directed service of process on the Commissioner. (ECF No. 3.) Because there had been no docket activity in the case since that time, the court, on November 24, 2015, directed plaintiff to show cause in writing why this action should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute the action. (ECF No. 6.) On November 30, 2015, plaintiff's counsel filed a response to the order to show cause, indicating that the process documents were not submitted to the U.S. Marshal due to an oversight (without any explanation of the cause of the oversight). (ECF No. 8.) Plaintiff's counsel apologized for the oversight and filed a notice indicating that the process documents have now been submitted to the U.S. Marshal for service of process. (ECF Nos. 7, 8.)

///

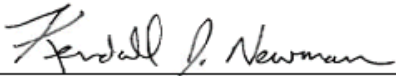
1 In light of the above, and in the interests of justice, the court declines to dismiss the case.
2 However, the fact remains that plaintiff's counsel delayed the case for over 8 months without
3 good cause, which is particularly significant in social security cases, where claimants have often
4 waited years for final adjudication of their claims. As such, monetary sanctions are warranted.
5 Nevertheless, the court appreciates counsel's apology and her prompt action in response to the
6 order to show cause, and thus only imposes minimal sanctions.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Within fourteen (14) days of this order, plaintiff's counsel shall pay the Clerk of Court
9 \$100.00 in monetary sanctions. Counsel shall not attempt to recover such sanctions,
10 directly or indirectly, from her client.
- 11 2. The order to show cause (ECF No. 6) is discharged.

12 IT IS SO ORDERED.

13 Dated: December 3, 2015

14 
15 _____
16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28