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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MALKIT KAUR,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:16-cv-1674-KJN

ORDER AND
ORDER TO SHOW CAUSE

Plaintiff, proceeding without counsel, initially commenced this social security action on July 20, 2016. (ECF No. 1.) Pursuant to the court’s July 22, 2016 scheduling order, plaintiff was required to file a motion for summary judgment and/or remand within 45 days from being served with a copy of the administrative record. (ECF No. 5.) On January 19, 2017, the Commissioner lodged the administrative record and served it on plaintiff by U.S. mail. (ECF Nos. 11, 12.) However, to this date, plaintiff has not yet filed a motion for summary judgment.

The court has considered whether sanctions should be imposed against plaintiff. However, in light of plaintiff’s *pro se* status, the court first issues an order to show cause, providing plaintiff with an opportunity to explain his failure to file the motion for summary judgment. The court also provides plaintiff with an additional opportunity to file a motion for summary judgment.


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Accordingly, IT IS HEREBY ORDERED that:

1. No later than June 12, 2017, plaintiff shall show cause in writing why this action should not be dismissed based on plaintiff's failure to file a motion for summary judgment and prosecute this case.
2. No later than June 12, 2017, plaintiff shall file a motion for summary judgment that meets the requirements of the court's July 22, 2016 scheduling order.
3. Failure to timely respond to the order to show cause and to timely file a motion for summary judgment may result in dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b).
4. The Clerk of Court shall serve another copy of the court's July 22, 2017 scheduling order (ECF No. 5) on plaintiff along with a copy of this order.

IT IS SO ORDERED.

Dated: May 10, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE