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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLAUDIA BAYHI,  
Plaintiff,  
v.  
NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,  
Defendant.

No. 2:16-cv-2273 DB

ORDER

The Scheduling Order filed in this case on October 3, 2016, required plaintiff 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 at 1-2.) Defendant served a copy of the record upon plaintiff on February 2, 2017. (ECF No. 13.) After plaintiff failed to file a timely motion for summary judgment and/or remand, on September 12, 2017, the court issued an order to show cause to plaintiff. (ECF No. 16.)

On October 2, 2017, plaintiff filed a response to the order to show cause. (ECF No. 17.) Therein, plaintiff states that “[t]he reason for the delay in filing [a] motion for summary judgment is a simple one,” explaining that plaintiff is “not an attorney,” and cannot “afford an attorney at this stage of the case.” (*Id.* at 2.) Although the court is cognizant of the difficulties faced by pro se litigants, this action cannot proceed in the absence of plaintiff’s motion for summary judgment

1 and/or remand.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Within 21 days of the date of this order, plaintiff shall file a motion for summary  
4 judgment and/or remand; and

5 2. Plaintiff is cautioned that the failure to comply with this order may result in an order  
6 dismissing this action.

7 Dated: October 3, 2017

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10 DEBORAH BARNES  
11 UNITED STATES MAGISTRATE JUDGE  
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