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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	TOBY JO TODD,	No. 2:16-cv-2498-KJN
12	Plaintiff,	
13	v.	ORDER AND
14	COMMISSIONER OF SOCIAL SECURITY,	ORDER TO SHOW CAUSE
15	SECONITI,	
16	Defendant.	
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18	Plaintiff, proceeding without counsel, initially commenced this social security action on	
19	October 19, 2016. (ECF No. 1.) Pursuant to the court's October 21, 2016 scheduling order,	
20	plaintiff was required to file a motion for summary judgment and/or remand within 45 days from	
21	being served with a copy of the administrative record. (ECF No. 4.) On February 14, 2017, the	
22	Commissioner lodged the administrative record and served it on plaintiff by U.S. mail. (ECF	
23	Nos. 10, 11.) However, to this date, plaintiff has not yet filed a motion for summary judgment.	
24	The court has considered whether sanctions should be imposed against plaintiff.	
25	However, in light of plaintiff's <i>pro se</i> status, the court first issues an order to show cause,	
26	providing plaintiff with an opportunity to explain his failure to file the motion for summary	
27	judgment. The court also provides plaintiff with an additional opportunity to file a motion for	
28	summary judgment.	
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1	Furthermore, the court notes that plaintiff has not yet indicated whether or not he consents	
2	to the jurisdiction of the magistrate judge for all purposes. Therefore, plaintiff is directed to file a	
3	brief statement indicating whether or not he consents to the jurisdiction of a United States	
4	magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c). Importantly, plaintiff is under	
5	no obligation to so consent – plaintiff's designation merely assists the court in determining how	
6	the case should be administratively processed.	
7	Accordingly, IT IS HEREBY ORDERED that:	
8	1. No later than June 12, 2017, plaintiff shall show cause in writing why this action	
9	should not be dismissed based on plaintiff's failure to file a motion for summary	
10	judgment and prosecute this case.	
11	2. No later than June 12, 2017, plaintiff shall file a motion for summary judgment that	
12	meets the requirements of the court's October 21, 2016 scheduling order.	
13	3. No later than June 12, 2017, plaintiff shall file a brief statement indicating whether or	
14	not he consents to the jurisdiction of a United States magistrate judge for all purposes	
15	pursuant to 28 U.S.C. § 636(c).	
16	4. Failure to timely respond to the order to show cause and to timely file a motion for	
17	summary judgment may result in dismissal of the action pursuant to Federal Rule of	
18	Civil Procedure 41(b).	
19	5. The Clerk of Court shall serve another copy of the court's October 21, 2017	
20	scheduling order (ECF No. 4) on plaintiff along with a copy of this order.	
21	IT IS SO ORDERED.	
22	Dated: May 10, 2017	
23	Fordall J. Newman	
24	KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE	
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