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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

TASHAYHA M. GILMER,

No. 2:17-CV-0845-CMK

Plaintiff,

vs.

ORDER

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

Plaintiff, who is proceeding with retained counsel, brings this action under 42 U.S.C. § 405(g) for judicial review of a final decision of the Commissioner of Social Security.

A review of the docket reflects that defendant has notified the court regarding consent to proceed before a Magistrate Judge. Plaintiff, however, has not notified the court regarding consent. Pursuant to the court’s scheduling order and Eastern District of California Local Rules, Appendix A, the time to do so has now expired. In addition, pursuant to the court’s scheduling order, plaintiff is required to prosecute this action by either seeking voluntary remand or filing a dispositive motion within 45 days from the date of service of the administrative record by defendant. Plaintiff was warned that failure to comply may result in dismissal of this action

1 for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. A
2 review of the docket reflects that the answer and certified administrative record were served on
3 October 3, 2017. To date, plaintiff has not filed a dispositive motion.¹

4 On January 17, 2018, the court directed plaintiff to show cause in writing within
5 30 days why this action should not be dismissed for failure to inform the court regarding consent
6 and for failure to file either a motion for remand or a dispositive motion. Plaintiff has failed to
7 respond to the court's order to show cause, inform the court regarding consent, or file either a
8 motion for remand or a dispositive motion. Plaintiff shall show cause in writing, within 30 days
9 of the date of this order, why this action should not be dismissed for lack of prosecution and
10 failure to comply with court rules and orders, in particular the court's January 17, 2018, order to
11 show cause. The Clerk of the Court is directed to serve on plaintiff a copy of the court's form
12 entitled "Consent to Assignment or Request for Reassignment." Plaintiff is warned that further
13 failure to respond to the court's orders may result in the dismissal of the action. See Local Rule
14 110.

15 IT IS SO ORDERED.

16
17 DATED: March 15, 2018

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19 **CRAIG M. KELLISON**
20 UNITED STATES MAGISTRATE JUDGE

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24 ¹ While plaintiff has filed a stipulation for an extension of time, plaintiff has failed
25 to comply with Local Rule 137(b) regarding submission of a proposed order despite an informal
26 reminder from the Clerk of the Court regarding the requirements of the Local Rules. The court,
therefore, has not considered the parties' stipulation and the due date for plaintiff's opening brief
is not extended pursuant to the stipulation.