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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIMBERLY ANN SPEIGHT,
Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:17-cv-1120 CKD

ORDER

Plaintiff, proceeding through counsel and in forma pauperis, filed the complaint in this Social Security action on May 26, 2017. The parties have consented to Magistrate Judge jurisdiction to conduct all proceedings in this action.

The administrative transcript in this action was filed December 4, 2017. Under the scheduling order filed June 22, 2017, plaintiff was directed to file a motion for summary judgment and/or remand within 45 days of being served with a copy of the administrative record. Plaintiff was granted an extension of time until March 4, 2018 to file a motion for summary judgment or remand. After plaintiff missed the extended deadline, the court on March 13, 2018 issued an order to show cause why this case should not be dismissed for lack of prosecution. The court advised plaintiff that failure to timely file the required writing could result in dismissal of the action. The twenty-day period to respond to the order has passed, and plaintiff has not filed a response.

1 Because the court favors resolving cases on the merits, the court will opt at this time for a
2 lesser sanction than dismissal.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's counsel is sanctioned in the amount of \$150.00;

5 2. No later than fourteen days from the date of this order, plaintiff's counsel shall remit a
6 check for \$150.00 to the Clerk of Court;

7 3. Plaintiff's counsel shall not pass on this monetary sanction to plaintiff Speight either
8 directly or indirectly;

9 4. No later than fourteen days from the date of this order, plaintiff shall file a motion for
10 summary judgment and/or remand;

11 5. Failure to comply with this order will result in dismissal of this action; and

12 6. Plaintiff's counsel shall provide a copy of this order to plaintiff Speight.

13 Dated: April 16, 2018



14 _____
15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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