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1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JAMES BLUEFORD, No. 2:18-cv-00342 AC 12 Plaintiff. 13 v. **ORDER** 14 COMMISSIONER OF SOCIAL SECURITY, 15 Defendant. 16 17 18 Plaintiff is proceeding in this social security action pro se. The parties have consented to 19 the jurisdiction of the Magistrate Judge in this case. ECF Nos. 9, 14. Plaintiff filed his social 20 security complaint on February 13, 2018. ECF No. 1. On February 14, 2018, a scheduling order 21 was issued directing plaintiff to file a motion for summary judgment and/or remand within 45 22 days of being served with a copy of the administrative record. ECF No. 5 at 2. The 23 administrative record was lodged and served on plaintiff on October 16, 2018. ECF Nos. 17, 18. 24 For seven months thereafter, plaintiff took no action in this case. 25

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On June 4, 2019, the court issued an order to show cause why the action should not be dismissed for failure to prosecute, stating that plaintiff's filing of a motion for summary judgment by July 3, 2019 would discharge the order. ECF No. 20. On June 21, 2019, plaintiff responded to the order to show cause, requesting a 60-day extension to find an attorney to represent him.

ECF No. 21. Despite the already substantial delay in prosecuting this case, the court granted plaintiff an unusually generous extension of 60 days to file a motion for summary judgment or notice of voluntary remand. ECF No. 22. The court specifically cautioned plaintiff that failure to file within this timeframe, with or without the assistance of counsel, would cause this case to be dismissed for failure to prosecute. <u>Id.</u> The 60-day extension has expired with no action taken by plaintiff.

Due to plaintiff's failure to prosecute this case, it is hereby ORDERED that plaintiff's social security complaint (ECF No. 1) is DISMISSED without prejudice for failure to prosecute and failure to comply with the court's order. See Fed. R. Civ. P. 41(b); Local Rule 110. The clerk of court is directed to CLOSE this case.

DATED: August 28, 2019

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE

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