

1
2
3
4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 EUREKA DIVISION
7

8 CHRISTINE A. DUGGAN,

No. CV 09-4514 NJV

9 Plaintiff,

**ORDER REQUIRING DEFENDANT TO
FILE EXHIBITS SUPPORTING HIS
MOTION TO DISMISS AND
REQUIRING PLAINTIFF TO FILE HER
OPPOSITION (Docket Nos. 15 & 18)**

10 v.

11 MICHAEL J. ASTRUE,
12 Commissioner of Social Security,

13 Defendant.
14

15 Defendant Michael J. Astrue filed a motion to dismiss for failure to exhaust administrative
16 remedies on February 22, 2010 (Document 15). In this motion, Defendant cites to supporting
17 exhibits and documents that were not filed with its motion. The Court orders Defendant to file these
18 supporting exhibits and documents by April 5, 2010.

19 Plaintiff Christine A. Duggan failed to respond to Defendant's motion to dismiss by March 8,
20 2010, in accordance with the Court's procedural order (Document 2). On March 11, 2010, the Court
21 ordered Plaintiff to respond to Defendant's motion to dismiss by March 25, 2010, with which
22 Plaintiff also failed to comply (Document 16). Plaintiff has still not filed an opposition nor
23 requested an extension to file an opposition. Instead, Plaintiff filed a motion to compel production
24 of the administrative record on March 29, 2010 (Document 18). The Court admonishes Plaintiff to
25 follow this Court's orders and deadlines. Plaintiff's final deadline to file an opposition to
26 Defendant's motion to dismiss is April 12, 2010. The Court will construe Plaintiff's failure to file an
27
28

1 opposition by April 12th as Plaintiff's non-opposition to Defendant's motion to dismiss.

2

3 **IT IS SO ORDERED.**

4

5

6 Dated: March 31, 2010

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



NANDOR J. VADAS
United States Magistrate Judge