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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

KELLY ROSE ABERNATHY GRANT,  
Plaintiff,  
v.  
NANCY A. BERRYHILL,  
Defendant.

Case No. 17-cv-05135-RMI

**ORDER TO SHOW CAUSE RE  
DISMISSAL**

This Social Security appeal was filed on September 1, 2017. (Doc. 1.) Plaintiff's motion for summary judgment was due on May 16, 2018. (Doc. 24.) The court takes judicial notice of the fact that Plaintiff's attorney of record, Kenneth J. Collins, is now deceased. However, five months have elapsed since Plaintiff's motion for summary judgment was due. No new attorney has substituted in to represent Plaintiff and no motion has been filed. Accordingly, Plaintiff shall, no later than November 5, 2018, show cause why this appeal should not be DISMISSED without prejudice for failure to prosecute and failure to comply with a court order. *See* Fed. R. Civ. P. 41(b); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir.1992); *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002).

**IT IS SO ORDERED.**

Dated: October 18, 2018

  
ROBERT M. ILLMAN  
United States Magistrate Judge