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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMY HO,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendant.

Case No. 10-01361 JCS

ORDER OF DISMISSAL

On March 31, 2010, the “Procedural Order for Social Security Review Actions” of the United States District Court for the Northern District of California was filed in the Court’s file for this action and served on Plaintiff. Docket No. 3. That order required that Plaintiff serve and file a motion for summary judgment or for remand within 28 days of receipt of defendant’s answer.¹

On December 30, 2010, Defendant Astrue, the Social Security Commissioner, filed his answer. On January 21, 2011, the parties filed a joint stipulation extending the deadline for Plaintiff to file her motion for summary judgment to April 29, 2011. Docket No. 14. That stipulation was approved by the Court on January 24, 2011. Plaintiff failed to file her motion for summary judgment by that deadline, however, and to date has not filed a motion for summary judgment.

On October 22, 2012, the Court ordered that Plaintiff file her summary judgment motion or, in the alternative, an opposition to the motion for summary judgment that has been filed by Defendant, on or before November 16, 2012 or show cause why the Court should not dismiss this action for failure to prosecute pursuant to Rule 41(b). Plaintiff did not file a motion for summary judgment, did not file an Opposition to Defendant’s motion for summary judgment and did not respond to the order to show cause why the action should not be dismissed for failure to

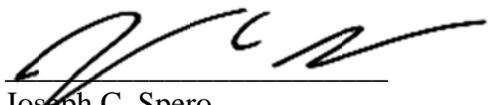
¹ The parties have consented to magistrate jurisdiction pursuant to 28 U.S.C. § 636(c).

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prosecute. Accordingly, this action is DISMISSED without prejudice for failure to prosecute pursuant to Fed.R.Civ. P. 41(b).

IT IS SO ORDERED.

Dated: November 19, 2012



Joseph C. Spero
United States Magistrate Judge