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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID ROBERT KOTERA,
Plaintiff,
v.
NANCY A. BERRYHILL,
Defendant.

Case No. [18-cv-00297-SK](#)

**ORDER TO SHOW CAUSE WHY THE
CASE SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE**

On January 12, 2018, Plaintiff filed a complaint appealing the denial of social security benefits. Defendant filed an answer on April 23, 2018. Pursuant to the Scheduling Order filed on January 16, 2018, Plaintiff's motion for summary judgment as due within twenty-eight days of Defendant's answer. (Dkt. 6.) This deadline has long since passed. To date, Plaintiff has not yet filed a motion for summary judgment. Accordingly, Plaintiff is **HEREBY ORDERED TO SHOW CAUSE** why this case should not be dismissed for failure to prosecute. Plaintiff shall file a written response to this Order to Show Cause by no later than September 4, 2018. If Plaintiff intends to file a motion for summary judgment, he must show good cause for his failure to comply with the Order in this case. Plaintiff is admonished that if he fails to file a response to this Order to Show Cause by September 4, 2018, the Court will dismiss this case without prejudice without further notice to Plaintiff.

IT IS SO ORDERED.

Dated: August 23, 2018



SALLIE KIM
United States Magistrate Judge