

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SARINA KING,
Plaintiff,
v.
NANCY A. BERRYHILL,
Defendant.

Case No. [4:16-cv-06643-KAW](#)

**ORDER DISCHARGING ORDER TO
SHOW CAUSE**

Re: Dkt. No. 13

Plaintiff commenced this social security action on November 16, 2016. (Dkt. No. 1.) On November 16, 2016, the court issued a scheduling order requiring Plaintiff to file a motion for summary judgment or motion for remand within 28 days of being served with Defendant’s answer. (Dkt. No. 4.) The answer and administrative record were filed on May 8, 2017. (Dkt. Nos. 11 & 12.) Thus, Plaintiff’s motion for summary judgment or motion for remand was due by June 5, 2017. Plaintiff did not timely file a motion for summary judgment or motion for remand, nor did she seek relief from the deadline.

On September 19, 2017, the Court issued an order directing Plaintiff to show cause, by no later than October 3, 2017, why this case should not be dismissed for failure to comply with the deadline to file the motion for summary judgment or seek relief from the procedural order deadline, and to file a motion for summary judgment or motion for remand. (Dkt. No. 13.) Plaintiff was advised that the failure to file both documents may result in the case being dismissed for failure to prosecute. *Id.*

On September 19, 2017, Plaintiff’s counsel responded, and both apologized and informed the court that she had been dealing with deaths and extended illnesses in her family, but that was not an excuse for not seeking a timely extension. (Dkt. No. 14.) She later asked for a brief

1 extension of time to file the motion for summary judgment, which was granted. (Dkt. Nos. 15 &
2 17.) On October 11, 2017, Plaintiff filed a motion for summary judgment. (Dkt. No. 18.) The
3 Court notes that Plaintiff's reply brief, filed on November 20, 2017, was timely filed. (*See* Dkt.
4 No. 20.)

5 In light of the foregoing, the order to show cause is DISCHARGED.

6 IT IS SO ORDERED.

7 Dated: December 11, 2017

8 
KANDIS A. WESTMORE
9 United States Magistrate Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28