IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

DENNIS G. ESCARENO,

Plaintiff,

v. CIV 16-0847 KBM

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

SECOND ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. This Court entered its Order Setting Briefing Schedule on May 11, 2017. *Doc. 18*. Pursuant to that Order, Plaintiff was to file his Motion to Reverse or Remand on or before Tuesday, July 11, 2017. *Id.* The Order further provided "[a]ll requests for extensions of time altering the deadlines set in this Order shall be made through a motion to the Court." *Id.* However, to date, Plaintiff has neither filed a Motion, nor moved this Court for an extension of time in which to do so.

This is not the first time Plaintiff has been admonished for failing to actively prosecute this case. *See Doc. 5* (ordering Plaintiff to show cause after he failed to deliver his Complaint to the United States Marshall Service for service on Defendant). As stated in this Court's previous Order to Show Cause, "[t]he Court has the inherent power to impose a variety of sanctions on litigants in order to, among other things, regulate its docket and promote judicial efficiency." *Id.* (citing *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984)). The Court further noted that one such sanction within the Court's discretion is to dismiss an action for want of prosecution. *Id.* (citing *Nat'l*

Hockey League v. Metro. Hockey Club, Inc., 427 U.S. 639, 642-43 (1976); *Link v. Wabash R.R. Co*., 370 U.S. 626, 629-30 (1962)). In addition to this Court's inherent powers, the Federal Rules of Civil Procedure contemplate involuntary dismissal in the event of a plaintiff's failure to prosecute. *See* Fed. R. Civ. P. 41(b); Fed. R. Civ. P. 1 (requiring the Court and the parties to employ the rules to "secure the just, *speedy*, and inexpensive determination of every action and proceeding." (emphasis added)).

IT IS THEREFORE ORDERED that Plaintiff must either file his Motion to Remand, or show cause in a written document to be filed with the Court no later than **Friday, July 21, 2017,** why this case should not be dismissed. Plaintiff is hereby notified that failure to respond to this Order may result in dismissal of this action without further notice.

Karen B Molzen

UNITED STATES CHIEF MAGISTRATE JUDGE