

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

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

EDNA de LEON BUERA,	)	1:07cv1051 GSA
Plaintiff,	)	ORDER GRANTING DEFENDANT’S
vs.	)	EX PARTE MOTION TO REOPEN ACTION
	)	ORDER REQUIRING PLAINTIFF TO
	)	FILE A STATUS REPORT
MICHAEL J. ASTRUE, Commissioner of Social Security,	)	(Document 29)
Defendant.	)	

Plaintiff filed a complaint challenging the denial of disability benefits. (Doc. 1). On May 27, 2008, the Court granted Defendant’s request to remand this action pursuant to sentence six of section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), on the grounds that the claim file and the administrative transcript could not be located. (Doc. 15).

On September 1, 2010, Defendant filed an ex parte motion that the case be reopened on the basis that another hearing was held before an administrative law judge (“ALJ”) in Fresno, California on May 28, 2010. The ALJ issued an unfavorable decision on June 11, 2010. Defendant has represented that an administrative record can be filed within thirty days of the reopening of this case.

Based on the above, Defendant’s ex parte motion is GRANTED. The Court’s May 28, 2008, order remanding this action is VACATED and the Clerk of the Court is ORDERED to REOPEN the case.

Because this case is over three years old, within **thirty (30)** days, Plaintiff shall file a status

1 report indicating whether or not she intends to continue to pursue this case. If Plaintiff does not file  
2 a status report within the time allotted, the case will be dismissed for failure to follow a court order  
3 and for failure to prosecute this action. A further scheduling order will be issued after Plaintiff's  
4 status report is filed.

5 The Clerk of the Court is directed to serve a copy of this order on Plaintiff.

6  
7 IT IS SO ORDERED.

8 **Dated: September 3, 2010**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28