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

WALLACE PAUL GEORGE,)	1:08cv1928 DLB
)	
)	
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S
)	MOTION FOR DEFAULT JUDGMENT
vs.)	(Document 13)
)	
COMMISSIONER OF SOCIAL)	ORDER REQUIRING CLERK TO ISSUE
SECURITY,)	SCHEDULING ORDER IN SOCIAL
)	SECURITY CASE
)	
Defendant.)	

On December 17, 2008, Plaintiff, proceeding pro se and in forma pauperis, filed the present action for judicial review of the denial of Social Security benefits.

On January 11, 2009, Plaintiff filed a motion for default judgment based on what he believed to be Defendant's failure to respond to the complaint. In social security cases, however, Defendant's lodging of the Administrative Record is deemed an answer and is timely if filed within 120 days after service. Here, the Administrative Record was timely filed and default is not appropriate.¹ Plaintiff's motion is therefore DENIED.

¹ Additionally, default judgment against the United States is generally not issued unless the "claimant establishes a claim or right to relief by evidence that satisfies the court." Fed.R.Civ.Proc. 55(d).

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It appears that a Scheduling Order was not issued in this action, which likely led to Plaintiff's confusion. Accordingly, the Court ORDERS the Clerk of Court to issue a Scheduling Order for informational purposes.

IT IS SO ORDERED.

Dated: January 15, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE