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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 RICHARD A. HICKS,

1:10-cv-00515-SMS

12 Plaintiff,

**ORDER DIRECTING PRO SE
PLAINTIFF TO FILE OPENING
BRIEF BY JUNE 13, 2011**

13 vs.

14 MICHAEL J. ASTRUE,
15 Commissioner of Social
Security,

**ORDER DIRECTING CLERK TO
SERVE PRO SE PLAINTIFF**

16 Defendants.
17 _____/

18 Plaintiff is proceeding pro se with this action seeking
19 judicial review of a final decision of the Commissioner of Social
20 Security denying his application for benefits. Pursuant to the
21 consent of the parties (Docs. 8 & 10), the matter has been
22 referred to the Magistrate Judge for all proceedings, including
23 the entry of final judgment, pursuant to 28 U.S.C. § 636(c), Fed.
24 R. Civ. P. 73(b), and Local Rule 301.

25 The motion of Attorney Denise Bourgeois Haley to withdraw as
26 attorney of record for plaintiff (Doc. 18) was granted on
27 February 11, 2011 (Doc. 22). Ms. Haley also requested therein
28 that the Court grant plaintiff additional time to find new

1 counsel, and extend the time for plaintiff to file his opening
2 brief. Therefore, the Court granted plaintiff to and through
3 March 31, 2011, by which to file his opening brief. However,
4 since on or about March 25, 2011, up to and through approximately
5 May 9, 2011, this Court's staff has attempted to assist plaintiff
6 in locating new legal counsel, which is in the best interest of
7 all concerned, by providing an attorney in Bakersfield, as well
8 as an attorney in Modesto, with a copy of plaintiff's 500-page
9 administrative record on disc for review. Upon review, both
10 attorneys have declined to represent plaintiff.

11 Therefore, referencing and reiterating herein for
12 plaintiff's convenience, the Court's order of February 11, 2011,
13 specifically, pages 4-6 thereof, **plaintiff is HEREBY ORDERED to**
14 **file his opening brief by June 13, 2011, with or without the**
15 **assistance of legal counsel, utilizing the following guidelines:**

16 Plaintiff's Opening Brief

17 Plaintiff's opening brief *must* be filed and served by **June**
18 **13, 2011**. Plaintiff *must* serve a copy of the opening brief on
19 Defendant by serving all the attorneys listed for defendant on
20 the court docket, at the addresses noted on the court docket, as
21 follows:

22 **Daniel P. Talbert**
23 Social Security Administration
24 333 Market Street, Suite 1500
25 San Francisco, CA 94105
415-977-8926
Fax: 415-744-0134

Alyson A. Berg
United States Attorney's Office
2500 Tulare Street, Suite 4401
Fresno, CA 93721
559-497-4000
Fax: 559-497-4099

26 Plaintiff *must* also file the original opening brief,
27 together with a copy, with the Court, by either personal delivery
28 or via U.S. mail, as follows:

Office of the Clerk
United States District Court
Eastern District of California
2500 Tulare Street, Suite 1501
Fresno, CA 93721

Plaintiff's opening brief must contain the following:

(1) a plain description of plaintiff's alleged physical or emotional impairments, when plaintiff contends they became disabling, and how they disabled plaintiff from work;

(2) a summary of the administrative proceedings before the Social Security Administration;

(3) a summary of the relevant testimony at the administrative hearing;

(4) a summary of all relevant medical evidence, including an explanation of the significance of clinical and laboratory findings, and the purpose and effect of prescribed medication and therapy;

(5) a recitation of the Social Security Administration's findings and conclusions relevant to plaintiff's claims;

(6) a short, separate statement of each of plaintiff's legal claims stated in terms of the insufficiency of the evidence to support a particular finding of fact or reliance on an erroneous legal standard; and,

(7) argument separately addressing each claimed error.

All references to the administrative record and all assertions of fact *must* be accompanied by citations to the administrative record. Argument in support of each claim of error *must* be supported by citation to legal authority and explanation of the application of such authority to the facts of the particular case. Briefs that do not substantially comply

1 with these requirements will be stricken. A document that is
2 stricken becomes null and void and is not considered by the Court
3 for any purpose.

4 PLAINTIFF IS HEREIN ADVISED THAT FAILURE TO TIMELY FILE HIS
5 OPENING BRIEF WILL RESULT IN OUTRIGHT DISMISSAL OF THIS ENTIRE
6 ACTION.

7
8 IT IS SO ORDERED.

9 Dated: May 12, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE