

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

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TERRENCE ROWLAND,  
Plaintiff,

CASE NO. 1:10-cv-00917-SMS

v.

**ORDER DIRECTING  
SUPPLEMENTAL BRIEFING**

MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant.

Plaintiff has appealed the Commissioner’s denial of his August 2, 2005 application for supplemental security income pursuant to Title XVI of the Social Security Act (42 U.S.C. § 301 *et seq.*) (the “Act”). Plaintiff was previously denied supplemental security income following his October 4, 2002 application for disability benefits and did not appeal the Commissioner’s decision.

The matter is currently before the Court on the parties’ cross-briefs, which were submitted, without oral argument, to the Honorable Sandra M. Snyder, United States Magistrate Judge. This Court hereby directs supplemental briefing addressing the whether the holding of

1 *Chavez v. Bowen*, 844 F.2d 691, 693 (9<sup>th</sup> Cir. 1988), applies in this case, and if so, whether  
2 remand is necessary to permit the Commissioner to evaluate the 2005 application in light of his  
3 decision in the 2002 case.  
4

5 Each party is directed to submit its supplemental brief on or before August 31, 2011. If  
6 necessary, either or both parties may submit a response to the opposing party's brief on or before  
7 September 9, 2011. The matter shall then be deemed submitted for decision pursuant to Local  
8 Rule 230(h) (Fed. R. Civ. P. 78).  
9

10 IT IS SO ORDERED.  
11

12  
13 Dated: August 17, 2011

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE