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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GLENN V. WHITSETT,

CASE NO. 1:10-cv-1070-SKO

Plaintiff,

ORDER FOR STATUS UPDATES

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

_____ /

On February 4, 2011, the Court approved the parties' stipulation to remand this case pursuant to the sixth sentence of Section 205(g) of the Social Security Act to allow the Appeals Council to continue to search for the recording of Plaintiff's hearing, which previously could not be located. (Doc. 17.) According to the stipulation and order, if the Appeals Council could not locate the recording within a reasonable time, the Appeals Council would remand this case to an Administrative Law Judge ("ALJ") with instructions to hold a *de novo* hearing and issue a new decision.

On April 6, 2011, the Commissioner filed a status report informing the Court that the Appeals Council searched for the hearing tape but could not locate it. Thus, the Appeals Council remanded the case for assignment to an ALJ to hold a *de novo* hearing and issue a new decision.

1 Plaintiff has shown cause why the matter should not be dismissed; however, administrative
2 closure of the case is warranted. The Court retains jurisdiction over the matter, and either party may
3 file a request to reopen the case once the administrative proceedings below have been completed.
4 Further, the Commissioner shall file a status report every 90 days from the date of this order
5 regarding the progress of the administrative proceedings.

6 Accordingly, the COURT HEREBY ORDERS THAT:

- 7 1. The May 16, 2011, order to show cause is DISCHARGED;
- 8 2. The Commissioner shall file a status report every 90 days from the date of this order
9 regarding the progress of the administrative proceedings; and
- 10 3. This case shall be administratively closed.

11
12 IT IS SO ORDERED.

13 **Dated: June 7, 2011**

14 **/s/ Sheila K. Oberto**
UNITED STATES MAGISTRATE JUDGE