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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

REINA I. ZAMANI,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

) Case No.: 1:12-cv-00763-AWI-SKO

) **ORDER MODIFYING THE SCHEDULE**

Pursuant to both the scheduling order (Doc. 7) in this case as well as the informational order for pro se litigants (Doc. 12), the parties were required to exchange confidential letter briefs. Plaintiff was required to serve on the Commissioner a letter brief within 30 days after service of the administrative transcript. (Doc. 7, ¶ 3; Doc. 12, 3:25-4:2.) The Commissioner was required to serve a responsive confidential letter brief within 35 days after service of Plaintiff's confidential letter brief. (Doc. 7, ¶ 4; Doc. 12, 4:10-11.) Finally, if the parties were unable to stipulate to a remand of the case, Plaintiff was to file an opening brief no later than 30 days after service of the Commissioner's responsive confidential letter brief. (Doc. 7, ¶ 6; Doc. 12, 5:2-3.)

1 Here, the administrative record was lodged with the Court on November 14, 2012. (Doc. 15.)
2 However, no certificate of service was filed showing that the administrative record was
3 contemporaneously served on Plaintiff. On March 6, 2013, the Court ordered the Commissioner to
4 file a status report indicating whether Plaintiff had served a confidential letter brief on the
5 Commissioner. (Doc. 19.) On March 6, 2013, the Commissioner filed a certificate of service
6 indicating that a certified copy of the administrative record was served on Plaintiff on March 6, 2013.
7 (Doc. 20.) On March 13, 2013, the Commissioner filed a status report indicating that Plaintiff had
8 not yet served a confidential letter brief on the Commissioner.

9 As the only certificate of service filed by the Commissioner indicates that Plaintiff was not
10 served with the administrative record until March 6, 2013, the schedule in the case must be modified.
11 As such, the schedule is amended as follows:

- 12 1. Plaintiff must serve on the Commissioner, but **not** file with the Court, a confidential
13 letter brief as described in the original scheduling order and the informational order
14 for pro se litigants **no later than Monday, April 8, 2013;**¹
- 15 2. The Commissioner must serve on Plaintiff, but **not** file with the Court, a responsive
16 confidential letter brief **no later than Thursday, May 16, 2013;**
- 17 3. If the parties agree to remand the action to the agency, such a stipulation must be
18 filed no later than **Monday, June 3, 2013;**
- 19 4. If the parties do not agree to remand the action to the agency, **Plaintiff must file an**
20 **opening brief no later than Thursday, June 20, 2013**, that conforms with the
21 requirements set forth in the original scheduling order and the informational order for
22 pro se litigants;
- 23 5. The Commissioner must file a responsive brief **no later than Thursday, July 25,**
24 **2013;** and
- 25 6. Plaintiff may file an optional reply brief **no later than Monday, August 12, 2013.**

27 ¹ For calculation of the dates, the parties are directed to Fed. R. Civ. P. 5(b)(2)(C), (E), 6(d),
28 and Docs. 7, ¶¶ 3-6; 12.

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Accordingly, IT IS HEREBY ORDERED that:

1. The schedule shall be modified as set forth above;
2. If Plaintiff fails to submit a confidential letter brief to the Commissioner on or before April 18, 2013, the Commissioner shall inform the Court of Plaintiff's failure to comply **no later than April 19, 2013; and**
3. **Plaintiff is cautioned that if she fails to submit a confidential brief to the Commissioner on or before the deadline set forth herein, Plaintiff's case may be recommended for dismissal for lack of prosecution and for failure to comply with the Court's order.**

IT IS SO ORDERED.

Dated: March 14, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE