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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VALERIE CARROLL,)	1:12-cv-01341 AWI GSA
)	
Plaintiff,)	ORDER DISCHARGING ORDER TO
)	SHOW CAUSE
v.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

On August 17, 2012, Plaintiff Valerie Carroll filed a complaint in this Court. (Doc. 1.)
On November 2, 2012, Plaintiff indicated service of the summons and complaint upon Defendant had been effected on September 4, 2012. (Doc. 8.) When the administrative record was not filed on January 2, 2013, this Court issued an Order to Show Cause to Defendant, directing Defendant to show cause why sanctions should not be imposed for a failure to comply with the Scheduling Order of August 20, 2012. (Doc. 11.)

On January 17, 2013, Defendant filed the Declaration of Paulette M. Tremblay in response to the OSC. Ms. Tremblay is a paralegal specialist charged with monitoring all filings in the Social Security cases venued in Fresno. (Doc. 13, ¶¶ 1-2.) Ms. Tremblay’s search of the Government’s relevant records revealed that the Government had not been served with service of

1 process in this action as alleged by Plaintiff. (Doc. 13, ¶¶ 3-4.) Moreover, Ms. Tremblay spoke
2 with Plaintiff’s counsel, Sengthiene Bosavanh, on January 15, 2013, regarding the purported
3 service in this matter. Ms. Bosavanh advised Ms. Tremblay that “service on the [Government]
4 was made by U.S. Mail, not Certified mail, because [Ms. Bosavanh’s office] had run out of
5 Certified Mail Return Receipts.” (Doc. 13, ¶ 5.) Ms. Tremblay further indicated that the
6 Government received service of process via email on January 15, 2013. (Doc. 13, ¶ 6.) Thus,
7 the Government asserts and respectfully submits that the administrative record must be filed no
8 later than May 15, 2013. (Doc. 13, ¶ 7.)

9 Based on the above, the Order to Show Cause issued on January 8, 2013, is
10 DISCHARGED. The Court finds service upon Defendant was effected on January 15, 2013,
11 rather than September 4, 2012. **Accordingly, Defendant Commissioner of Social Security**
12 **shall file the administrative record on or before May 15, 2013.**

13
14 IT IS SO ORDERED.

15 Dated: January 18, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE