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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 CARLOS HERNANDEZ,

9 Plaintiff,

10 v.

11 CAROLYN W. COLVIN,  
12 Acting Commissioner of Social Security,

13 Defendant.

CASE NO. 1:15-CV-110-DAD-SMS

ORDER AMENDING SCHEDULING  
ORDER

14 Plaintiff, proceeding in pro se, filed his social security complaint on January 22, 2015.  
15 Doc. 1. On February 2, 2015, this Court screened the complaint and dismissed it with leave to  
16 amend. Doc. 5. On April 29, 2015, Plaintiff filed his first amended complaint (Doc. 14), which the  
17 Court ordered served on the Commissioner. On May 15, 2015, this case was consolidated with  
18 another case filed by Plaintiff (1:15-cv-00262-SKO). Doc. 16. That case had already set a  
19 scheduling order. On September 17, 2015, the Commissioner lodged the administrative transcript.  
20 Doc 22. On December 30, 2015, this Court issued a scheduling order in this case. Doc. 26. Other  
21 than Plaintiff's declination to proceed before a magistrate judge, nothing has been filed in this case  
22 after the December 30, 2015 scheduling order.

23 There is some confusion due to the consolidation of cases. The scheduling order in this  
24 case sets the date for the administrative transcript to be filed within 120 days after service of the  
25 complaint. However, by the time the scheduling order was issued, 120 days after service of the  
26 first amended complaint had passed, and the administrative transcript had already been filed. To  
27 clarify this confusion, the Court amends the scheduling order (Doc. 26) below.  
28

1           **ORDER**

2           1. Within thirty (30) days after service of this order, appellant shall serve on respondent a  
3 letter brief outlining the reasons why he/she contends that a remand is warranted. The letter brief  
4 shall succinctly set forth the relevant issues and reasons for the remand. The letter brief itself shall  
5 NOT be filed with the court and it shall be marked "confidential." A separate proof of service  
6 reflecting that the letter brief was served on respondent shall be filed with the court.

7           2. Within thirty-five (35) days after service of appellant's letter brief, respondent shall serve a  
8 response to appellant's letter brief on appellant. The response itself shall NOT be filed with the  
9 court and it shall be marked "confidential." A separate proof of service reflecting that the response  
10 was served on appellant shall be filed with the court.

11          3. In the event the parties stipulate to a remand to the Commissioner, the stipulation shall be  
12 filed with the Court WITHIN fifteen (15) days after respondent serves his response on appellant.

13          4. In the event respondent does not agree to a remand, within thirty (30) days of service of  
14 respondent's response, appellant shall file and serve an opening brief with the court and on  
15 respondent.

16          5. In the event that the parties have already engaged in the prior steps (1-4), appellant shall  
17 file and serve an opening brief with the court and on respondent within thirty (30) days of service  
18 of this order.

19          6. Respondent's responsive brief shall be filed with the court and served on appellant within  
20 thirty (30) days after service of appellant's opening brief.

21          7. Appellant's reply brief shall be filed with the court and served on respondent within fifteen  
22 (15) days after service of respondent's brief.

23          8. Paragraphs 9-15 of the original scheduling order (Doc. 26) remain intact.

24  
25 IT IS SO ORDERED.

26          Dated: **February 2, 2016**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE