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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STEVEN MARTIN CARDENAS,

Case No. 1:15-cv-001939-SKO

Plaintiff,

**INFORMATIONAL ORDER
SETTING BRIEFING SCHEDULE
FOR PRO SE LITIGANT**

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

Plaintiff Steven Martin Cardenas (“Plaintiff”) is proceeding pro se in an action seeking judicial review of an administrative decision of the Commissioner of Social Security (“Defendant”) that denied, in whole or in part, Plaintiff’s claim for benefits under the Social Security Act.

This order serves as a step-by-step guide for pro se litigants. Plaintiff is strongly urged to read this order and keep it readily available for future reference.

I. Briefs

The parties must file formal briefs with the Court as directed in the Scheduling Order. Following the filing of the formal briefs with the Court, the Court will consider the merits of the case and make a decision.

A. Plaintiff’s Opening Brief

Plaintiff’s opening brief must be filed and served by no later than February 1, 2017.

1 Plaintiff must serve a copy of the opening brief on all the attorneys listed for Defendant on the
2 court docket at the addresses noted on the court docket. Plaintiff is advised that **failure to timely**
3 **file an opening brief will result in dismissal of the action.**

4 Plaintiff must also file the original opening brief, together with a copy, with the Court, by
5 either personal delivery or via U.S. mail to:

6 Office of the Clerk
7 United States District Court
8 Eastern District of California
9 2500 Tulare Street, Suite 1501
10 Fresno, California 93721

11 Plaintiff's opening brief must contain the following:

12 (1) A plain description of Plaintiff's alleged physical or emotional impairments, when
13 Plaintiff contends they became disabling, and how the impairments disabled Plaintiff from
14 working;

15 (2) A summary of the administrative proceedings before the Social Security
16 Administration;

17 (3) A summary of the relevant testimony at the administrative hearing;

18 (4) A summary of all relevant medical evidence, including an explanation of the
19 significance of clinical and laboratory findings, and the purpose and effect of prescribed
20 medication and therapy;

21 (5) A recitation of the Social Security Administration's findings and conclusions
22 relevant to Plaintiff's claims;

23 (6) A short, separate statement of each of Plaintiff's legal claims explaining why the
24 facts do not support the ALJ's findings; and

25 (7) Any argument separately addressing each claimed error.

26 All references to the administrative record and all assertions of fact must be accompanied
27 by citations to the administrative record. Any argument in support of each claim of error must be
28 supported by citation to legal authority and an explanation as to how such authority applies to the
facts of the case. Briefs that do not substantially comply with these requirements will be stricken.
A document that is stricken becomes null and void and will not be considered by the Court for any

1 purpose.

2 B. Defendant’s Responsive Brief

3 Pursuant to the Scheduling Order, Defendant’s responsive brief must be filed and served
4 on Plaintiff within 30 days from the date of service of Plaintiff’s opening brief on Defendant.

5 C. Plaintiff’s Reply Brief

6 Plaintiff may, but is not required, to file a reply brief within 15 days from the date of
7 Defendant’s service of the responsive brief on Plaintiff. Plaintiff must serve a copy of the reply
8 brief on Defendant by serving the United States Attorney for the Eastern District of California as
9 set forth in Section I above. Plaintiff must also file the original reply brief, together with a copy,
10 with the Court at the Court’s address noted above.

11 Plaintiff’s reply brief should respond to the arguments made in Defendant’s responsive
12 brief.

13 **II. The Court’s Decision on the Merits**

14 The Court will consider the merits of the case only after all briefs have been filed, and may
15 enter judgment affirming, modifying, or reversing the determination of the Social Security
16 Administration. The Court may or may not remand the case to the Social Security Administration
17 for a further hearing.

18 **III. General Summary of Deadline Calculations**

<u>Event</u>	<u>Deadline</u>	<u>Reference</u>
Plaintiff’s Opening Brief	February 1, 2017	<i>See</i> Section (I)(A) above
Defendant’s Brief	30 days after Plaintiff’s opening brief is filed	<i>See</i> Section (I)(B) above
Plaintiff’s Reply Brief (Optional)	15 days after Defendant’s brief is filed	<i>See</i> Section (I)(C) above

25 **IV. Rules for Litigating this Action**

26 In litigating this action, the parties must comply with the Federal Rules of Civil Procedure
27 and the Local Rules of the United States District Court, Eastern District of California (“Local
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1 Rules”). A copy of the Local Rules may be obtained in the Clerk’s Office at no charge.

2 A. Local Rule 206 pertains to social security actions. Specifically, sections
3 (a)(1) and (2) of Rule 206 generally state that complaints shall contain the last four digits of
4 Plaintiff’s social security number only, i.e., XXX-XX-1234, and that Plaintiff shall privately
5 disclose to Defendant, within 5 days after a request is made to Plaintiff, the full social security
6 number of Plaintiff. Plaintiff shall refrain from disclosing the entire social security number on any
7 filings.

8 **FAILURE TO COMPLY WITH THE LOCAL RULES, FEDERAL RULES,**
9 **OR A COURT ORDER, INCLUDING THIS ORDER, WILL BE GROUNDS FOR**
10 **DISMISSAL OR OTHER APPROPRIATE SANCTIONS. See Local Rule 110; Fed. R. Civ.**
11 **P. 41(b).**

12 B. Documents intended to be filed with the Court must be mailed to the Clerk
13 of the Court in Fresno, California, at the address noted above. See Local Rule 134(a). All
14 documents mailed directly to a judge’s chambers will be stricken from the record. A document
15 requesting a court order must be styled as a motion, not as a letter. See Fed. R. Civ. P. 7.

16 C. Each separate document must be separately stapled. See Local Rule 130. If
17 a document is stapled behind another document, it will not be filed and will not be docketed as a
18 separate document.

19 D. All documents filed with the Court must be submitted with an additional
20 legible copy for the Court’s use. See Local Rule 133(d)(2). A document submitted without an
21 extra copy for the Court’s use will be stricken. If the filing party wishes the Court to return a file-
22 stamped copy, an additional copy must be provided for that purpose (i.e., an original and two
23 copies – one for the Court’s use and one to be returned to the filing party), together with a self-
24 addressed stamped envelope. The Court cannot provide copy or mailing service for a party – even
25 for an indigent plaintiff proceeding *in forma pauperis*. Copies of documents from the Court’s file
26 may be obtained from the Clerk’s Office at the cost of fifty cents per page.

27 E. After any defendant has appeared in an action by filing a pleading
28 responsive to the complaint (i.e., an answer or a motion to dismiss), all documents filed with the

1 Court must include a proof of service stating that a copy of the document was served on the
2 opposing party. See 28 U.S.C. § 1746; Fed. R. Civ. P. 5; Local Rule 135. A document submitted
3 without the required proof of service will be stricken. Where a party is represented by counsel,
4 service on the party's attorney of record constitutes effective service.

5 F. A pro se Plaintiff has a duty to keep the Court and opposing parties' counsel
6 apprised of a current address. If Plaintiff moves and fails to file a notice of change of address,
7 service of court orders at Plaintiff's prior address shall constitute effective notice. See Local Rule
8 182(f). If mail directed to Plaintiff is returned by the United States Postal Service as
9 undeliverable, the Court will not attempt to re-mail it. If Plaintiff's address is not updated within
10 60 days of mail being returned, the action will be dismissed for failure to prosecute. See Local
11 Rule 183(b).

12 IT IS SO ORDERED.

13 Dated: January 18, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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