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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 **SYLVIA ESTRADA,**

10 **Plaintiff**

11 **v.**

12 **COMMISSIONER OF SOCIAL**
13 **SECURITY,**

14 **Defendant**

CASE NO. 1:16-CV-0497AWI SAB

ORDER VACATING ORDERS AND
ORDER VACATING JUDGMENT AND
REOPENING CASE

(Doc. Nos. 12, 13, 14, 15)

15
16 Plaintiff, who is proceeding pro se, seeks judicial review of a final decision of the
17 Commissioner of Social Security denying certain disability benefits. On June 29, 2016, the
18 Magistrate Judge issued a Findings and Recommendation (“F&R”) that recommended the
19 dismissal of this case for failure to obey a court order and failure to prosecute. See Doc. No. 11.
20 On August 3, 2016, the Court adopted the F&R and judgment was entered. See Doc. Nos. 12, 13.
21 Plaintiff had been given 30 days in which to respond to the F&R, but had not done so by August 3,
22 2016. On August 5, 2016, the Court issued an amended order adopting the F&R. See Doc. No.
23 14. On August 25, 2016, Plaintiff filed a motion for reconsideration. See Doc. No. 15.

24 A review of the docket indicates that the F&R was not mailed to Plaintiff until July 13,
25 2016. Therefore, although more than 30 days had passed from the day of docketing, less than 30
26 days had passed from the date of mailing the F&R. Under these circumstances, it is appropriate to
27 vacate the judgment and reopen the case. Furthermore, the Court will give Plaintiff additional
28 time in which to respond to the F&R.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The Order Adopting the Findings and Recommendation and the Amended Order Adopting the Findings and Recommendation (Doc. Nos. 12, 14) are VACATED;
2. The judgment entered on August 3, 2016 (Doc. No. 13) is VACATED and this case is REOPENED; and
3. Plaintiff shall file a response to the Magistrate Judge's June 29, 2016 Findings and Recommendation on or before September 12, 2016.¹

IT IS SO ORDERED.

Dated: August 26, 2016



SENIOR DISTRICT JUDGE

¹ The Clerk must be in actual receipt of the response on or by September 12, 2016. Mailing a response on the day of September 12, 2016, does not constitute a timely response.