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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

GEORGE N. ALLEN,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. 1:17-cv-00239-DAD-EPG

ORDER LIFTING TEMPORARY STAY

(ECF Nos. 21, 25)

George N. Allen (“Plaintiff”) commenced this action on February 17, 2017, seeking judicial review of a final decision by the Commissioner of Social Security (“Defendant”) that found him liable for \$20,647 of overpayment of benefits under Title II of the Social Security Act. (ECF No. 1.) On February 22, 2017, the Court issued a Scheduling Order directing Plaintiff to file an opening brief and directing Defendant to file a responsive brief within thirty days after service of the opening brief. (ECF No. 5). On October 6, 2017, Plaintiff filed his opening brief. (ECF No. 20).

On October 12, 2017, Plaintiff moved to temporarily stay the proceedings in this action as he was to be transferred to Los Angeles County Jail for a trial pursuant to California Welfare & Institutions Code § 6604. (ECF No. 21.) On October 13, 2017, the Court stayed this action pending the termination of the section 6604 trial. (ECF No. 24.)

On October 19, 2017, Plaintiff moved to lift the stay. (ECF No. 25). Defendant opposed

1 the motion, arguing that the outcome of the section 6604 trial may be relevant to its legal
2 arguments in this case, and requesting that the Court continue the stay and amend the briefing
3 schedule accordingly. (ECF No. 26.) On November 3, 2017, the Court denied the motion to lift
4 the stay, and directed Plaintiff to provide an update concerning the status and outcome of the
5 section 6604 trial on or before March 14, 2018. (ECF No. 27). The Court also modified the
6 briefing schedule, directing Defendant to file a responsive brief on or before April 11, 2018, and
7 Plaintiff to file a reply brief, if any, on or before April 27, 2018.

8 On March 12, 2018, Plaintiff filed a status report, informing the Court that his section
9 6604 trial has terminated. (ECF No. 28).

10 Accordingly, the stay shall now be lifted, and the case shall proceed as set forth in the
11 Court's November 3, 2017 order, (ECF No. 27).

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13 IT IS SO ORDERED.

14 Dated: March 14, 2018

15 /s/ Eric P. Gray
16 UNITED STATES MAGISTRATE JUDGE
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