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

ERIKA ALLEN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

**1:17-cv-702-GSA**

**AMENDED PRO SE ORDER SETTING  
DEADLINES**

In light of the confusion surrounding Plaintiff's address and the returned administrative record (Docs. 23 and 24), the Defendant shall re-serve the administrative record on Plaintiff at the corrected address that is now on the docket. For clarity, the deadlines and further instructions for this case are outlined as follows:

- 1) Defendant shall re-serve Plaintiff with the administrative record no later than **March 16, 2018**.
- 2) **Within thirty (30) days after service of the administrative record**, Plaintiff shall serve on Defendant a letter brief outlining the reasons why he/she contends that a remand is warranted. The letter brief shall succinctly set forth the relevant issues and reasons for the remand. **The letter brief itself shall NOT be filed with the court** and it shall be marked "confidential." A separate proof of service reflecting that the letter brief was served on Defendant shall be filed with the court.
- 3) Within thirty-five (35) days after service of Plaintiff's letter brief, Defendant shall serve a

1 response to Plaintiff's letter brief on Plaintiff. **The response itself shall NOT be filed**  
2 **with the court and it shall be marked "confidential."** A separate proof of service reflecting  
3 that the response was served on Plaintiff shall be filed with the court.

- 4 4) In the event the parties stipulate to a remand to the Commissioner, a stipulation shall be filed  
5 with the Court WITHIN fifteen (15) days after Defendant serves his response on Plaintiff.
- 6 5) **In the event respondent does not agree to a remand, within thirty (30) days of service of**  
7 **Defendant's response, Plaintiff shall file and serve an opening brief with the court and on**  
8 **Defendant.**
- 9 6) **Defendant's responsive brief shall be filed with the court and served on Plaintiff within**  
10 **thirty (30) days after service of Plaintiff's opening brief.**
- 11 7) **Plaintiff's reply brief shall be filed with the court and served on Defendant within fifteen**  
12 **(15) days after service of Defendant's brief.**
- 13 8) **All references to the record and all assertion of fact must be accompanied by citations to**  
14 **the record.** The opening and responsive brief shall contain the following:
  - 15 (a) a plain description of Plaintiff's alleged physical or emotional impairments, when Plaintiff  
16 contends they became disabling, and how they disable Plaintiff from work;
  - 17 (b) a summary of all relevant medical evidence including an explanation of the significance of  
18 clinical and laboratory findings and the purpose and effect of prescribed medication and  
19 therapy;
  - 20 (c) a summary of the relevant testimony at the administrative hearing;
  - 21 (d) a recitation of the Commissioner's findings and conclusions relevant to Plaintiff's claims;
  - 22 (e) a short, separate statement of each of Plaintiff's legal claims stated in terms of the  
23 insufficiency of the evidence to support a particular finding of fact or reliance upon an  
24 erroneous legal standard; and
  - 25 (f) **arguments separately addressing each claimed error. An argument in support of each**  
26 **claim of error must be supported by citation to legal authority and explanation of the**  
27 **application of such authority to the facts of the particular case.** Briefs that do not  
28 substantially comply with these requirements will be stricken.

- 1 9) The court will allow a single thirty (30) day extension of any part of this scheduling order by  
2 stipulation of the parties. Court approval is not required for this extension. However, the  
3 stipulation shall be filed with the court.
- 4 10) Request for modification of this briefing schedule will not routinely be granted.
- 5 11) With the exception of the single thirty day extension, requests to modify this order must be  
6 made by written motion and will be granted only for good cause.
- 7 12) Violations of this order or of the federal or local rules of procedure may result in sanctions  
8 pursuant to Local Rule 110.
- 9 13) Defendant is reminded that because Plaintiff is *pro se*, she is not a registered user of CM/ECF.  
10 Therefore, any documents filed with the Court must be served on Plaintiff via first class mail.  
11

12 **It is recommended that Plaintiff seek the advice of an attorney. Plaintiff is advised that**  
13 **if she does not retain an attorney to represent her, she is responsible for complying with**  
14 **all Court rules and applicable laws. A failure to timely comply with any order of this**  
15 **Court (including this order) will result in dismissal of the action.**

16  
17 IT IS SO ORDERED.

18 Dated: March 8, 2018

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE