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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARTIN MARTINEZ,
Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case No. 1:21-cv-01231-EPG

ORDER EXTENDING DEADLINE TO
FILE MOTION FOR SUMMARY
JUDGMENT

(ECF No. 20)

On August 13, 2021, Plaintiff Martin Martinez, proceeding *pro se*, filed a complaint for judicial review of an unfavorable decision by the Commissioner of the Social Security Administration regarding Plaintiff’s application for disability benefits. (ECF No. 1). Since then, the Court has granted Plaintiff three extensions of time to file a motion for summary judgment, with such motion most recently being do no by later than September 16, 2022. (ECF Nos. 13, 15, 18). Notably, the Court’s last order warned that “Plaintiff will need to offer compelling reasons to obtain any future extension of time to file his motion for summary judgment.” (ECF No. 18, p. 2).

Now before the Court is Plaintiff’s “request to file my motion for summary judgment,” stating, “With my *pro se* status, I have found this process at times difficult. After carefully looking over your letter and with [the] assistance of my mother, we uncovered that an additional form had to be filed and we had missed. We found the form on your website and it is filled out and attached to this letter.” (ECF No. 20) (capitalization altered). It is unclear what Plaintiff

1 intends by this filing. Plaintiff has not attached any motion for summary judgment or a form for
2 the Clerk of Court to file, nor does his filing specifically request an extension of time to file a
3 motion for summary judgment.

4 In light of the ambiguity presented and Plaintiff's *pro se* status, the Court will grant
5 Plaintiff one **final** brief extension to file a motion for summary judgment.

6 Accordingly, IT IS ORDERED as follows:

- 7 1. Plaintiff shall file by no later than October 7, 2022, a motion for summary judgment. All
8 other deadlines in the Court's scheduling order are extended accordingly.
- 9 2. The motion for summary judgment must contain argument regarding why Plaintiff was
10 improperly denied disability benefits. The Clerk of Court is directed to send Plaintiff a
11 copy of the scheduling order (ECF No. 5), which advises what must be contained in the
12 motion for summary judgment (also called an opening brief).
- 13 3. Given that this is the fourth extension granted for Plaintiff to file a motion for summary
14 judgment, Plaintiff will not be granted any further extensions.
- 15 4. And if Plaintiff again fails to file a motion for summary judgment containing substantive
16 argument regarding the denial of disability benefits, this case will be dismissed.

17 IT IS SO ORDERED.

18 Dated: September 16, 2022

19 /s/ Eric P. Shroy
20 UNITED STATES MAGISTRATE JUDGE