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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MICHAEL E. BALLARD,

11 Plaintiff,

No. CIV S-08-1299 DAD

12 v.

13 MICHAEL J. ASTRUE,
14 Commissioner of Social Security,

ORDER

15 Defendant.
_____ /

16 On January 7, 2009, plaintiff was directed to show cause in writing within fifteen days
17 why this case should not be dismissed for lack of prosecution. Plaintiff's timely response indicates that
18 a motion for summary judgment was not filed due to counsel's inadvertent calendaring omission after
19 the court granted her request for an extension of time. In the interest of justice, IT IS ORDERED that
20 plaintiff's January 22, 2009 motion (Doc. No. 16) is granted, the court's January 7, 2009 order to show
21 cause is discharged, and plaintiff is granted a further extension of time to January 26, 2009 to file a
22 motion for summary judgment.

23 DATED: January 26, 2009.

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26 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

26 DAD:kw
ddad1/orders.socsec/ballard1299.ord.oscdischarge