

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CRAIG HEALY,

No. CIV S-09-1378-CMK

Plaintiff,

vs.

ORDER

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

\_\_\_\_\_ /

Plaintiff, who is proceeding with retained counsel, brings this action for judicial review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g). On March 18, 2010, the court approved Plaintiff's stipulation extending the time for filing a motion for summary judgment to April 15, 2010. However, by May 6, 2010, no motion for summary judgment had been filed. The court then issued an order to show cause why this action should not be dismissed for Plaintiff's failure to file a dispositive motion.

Plaintiff responded to the order to show cause by filing a response with a request for additional time due to counsel's excusable neglect. Counsel indicated that opposing counsel has no objection to her late filed motion. Plaintiff also requested one additional extension of time, to June 11, 2010, to file his motion for summary judgment. Said motion has now been

1 filed.

2 Good cause appearing therefor, the order to show cause is discharged, and  
3 Plaintiff's motion for summary judgment is deemed properly filed. Defendant's cross-motion for  
4 summary judgment shall be filed pursuant to the time set forth in the court's scheduling order.

5 IT IS SO ORDERED.

6

7 DATED: June 15, 2010

8

  
CRAIG M. KELLISON  
UNITED STATES MAGISTRATE JUDGE

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26