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

JAMES DUKE BLEVINS, III,

Plaintiff,

No. CIV S-09-3457 EFB

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

_____ /
This case, in which plaintiff is proceeding *pro se*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(15). *See* 28 U.S.C. § 636(b)(1).

On December 17, 2009, the court issued a scheduling order stating that within 45 days of being served with the administrative record, plaintiff must file a motion for summary judgment or remand. On May 13, 2010, defendant filed the administrative record. Plaintiff's motion for summary judgment or remand was therefore due on June 27, 2010. Although plaintiff filed a reply to defendant's answer on May 25, 2010, and filed a letter from Sutter-Yuba Mental Health on May 27, 2010, he has not yet filed a motion for summary judgment or remand.

This court cannot grant plaintiff benefits or remand his case to an Administrative Law Judge for further proceedings unless plaintiff files a motion for summary judgment or remand.

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1 Plaintiff's failure to file this motion within 30 days of the date of this order may result in the
2 dismissal of this action without prejudice for failure to prosecute.

3 Plaintiff's mother, or anyone else, may help plaintiff write his motion for summary
4 judgment or remand, but plaintiff must sign the motion. Plaintiff should explain in his motion
5 how he alleges the Administrative Law Judge erred in finding that he was not entitled to
6 benefits.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff must file a motion for summary judgment or remand within 30 days of the
9 date of this order. Failure to timely file the motion may result in this action being dismissed;
10 and

11 2. The Clerk of the Court also shall serve on plaintiff the consent form used in this court.
12 Plaintiff shall return the completed form within 30 days.

13 DATED: January 21, 2011.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE
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