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

HOWARD M. CLARK, JR.,

No. 2:12-CV-2550-MCE-CMK PS

Plaintiff,

vs.

ORDER

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____/

Plaintiff, who is proceeding *in propria persona*, brings this action for judicial review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g).

On November 6, 2013, the court issued findings and recommendations that this action should be dismissed for lack of prosecution and failure to comply with court rules and orders. Plaintiff has filed objections to the findings and recommendations, indicating the delay was inadvertent and due to his lack of understanding.

As such, the undersigned will vacate the findings and recommendations, and allow plaintiff additional time to file his motion for summary judgment and/or remand, or to request a voluntary remand if he has new evidence outside the evidentiary record. Plaintiff is referred to the Scheduling Order (Doc. 5), filed November 14, 2012, for additional information.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 6, 2013, are vacated;
2. Plaintiff shall file his motion for summary judgment and/or remand within 45 days of this order; and
3. The remainder of the scheduling order is modified accordingly.

DATED: November 18, 2013



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE