

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD GIER, SR.,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:13-cv-0012-KJN

ORDER

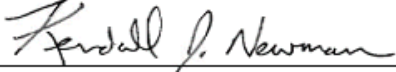
Plaintiff Donald Gier, Sr., who is represented by counsel, commenced this social security action on January 2, 2013. (ECF No. 1.) On August 30, 2013, plaintiff filed a motion for summary judgment. (ECF No. 15.) Thereafter, on September 15, 2013, plaintiff filed a “notice of provisional grant of subsequent claim,” indicating that plaintiff has been provisionally granted benefits upon making an application subsequent to the one before the court. (ECF No. 18.)

In light of this filing, the parties are ordered to meet and confer regarding the impact of the provisional grant, including whether the current action is fully or partially mooted by that decision and/or whether a voluntary remand of the action may be appropriate. The court will be willing to entertain any stipulation in that regard. However, if the Commissioner determines that the decision has no impact on this case, the Commissioner shall include specific briefing regarding that issue as part of its cross-motion for summary judgment. The court will also

1 consider an appropriate stipulation for extension by the parties to allow the Commissioner some
2 additional time to consider and brief the issue, if necessary.

3 IT IS SO ORDERED.

4 Dated: September 17, 2013

5 
6

KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28