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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHEILA WILLIAMS-CARTER,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:13-cv-1744-KJN

ORDER

On August 8, 2014, upon withdrawal of plaintiff's former counsel, the court issued an order requiring plaintiff, whether represented by new counsel or proceeding without counsel, to file her motion for summary judgment no later than October 13, 2014. (ECF No. 26.) Thereafter, on October 9, 2014, plaintiff filed a request for voluntary remand, attaching what plaintiff claims to be new medical evidence outside the evidentiary record. (ECF No. 27.) Although the October 13, 2014 deadline has now long passed, plaintiff did not file a motion for summary judgment.

In light of plaintiff's *pro se* status, the court liberally construes plaintiff's October 9, 2014 filing as both a request for voluntary remand directed to the Commissioner and a motion for summary judgment. Accordingly, IT IS HEREBY ORDERED that:

1. Within seven (7) days of this order, the Commissioner shall file a brief statement advising the court whether or not it stipulates to a voluntary remand of the action.


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2. In the event that the Commissioner does not agree to a voluntary remand of the action, the court construes plaintiff's October 9, 2014 filing as a motion for summary judgment, and the Commissioner shall file any opposition to that motion and cross-motion for summary judgment no later than December 18, 2014. Such opposition shall specifically address the impact, if any, of the new evidence submitted by plaintiff within the applicable legal framework.
3. Plaintiff may, but need not, file a reply to the Commissioner's opposition no later than January 8, 2015.
4. Due to the several delays that already occurred in this case, the parties are cautioned that the court is disinclined to grant any further extensions of the briefing schedule in this matter absent extraordinary circumstances, which would not include plaintiff's *pro se* status or the Commissioner's counsel's work schedule.

IT IS SO ORDERED.

Dated: November 13, 2014


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE