

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN MARC VAN DEN HEUVEL.

No. 2:13-cv-2187-KJN (PS)

Plaintiff.

V.

ORDER

COMMISSIONER OF SOCIAL
SECURITY.

Defendant.

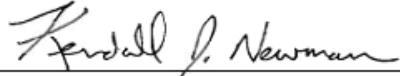
On November 13, 2014, plaintiff, who is proceeding without the assistance of counsel in this action, filed a motion styled as a “motion for consideration.” (ECF No. 28.) The court construes this filing to be plaintiff’s motion for summary judgment based on a liberal construction of its contents. Accordingly, the Commissioner shall file her opposition and cross-motion for summary judgment by no later than December 18, 2014. In addition to addressing the merits of plaintiff’s motion, the Commissioner shall address in her cross-motion the impact of the additional extra-record medical evidence submitted by plaintiff in connection with the request for voluntary remand he submitted to the Commissioner and why the Commissioner found that additional evidence insufficient to stipulate to a voluntary remand of this case.¹ Plaintiff shall file a reply, if any, within 21 days from service of the

¹ The Commissioner filed a notice of declination of voluntary remand on November 14, 2014, that states that plaintiff submitted additional evidence not already in the record to the Commissioner in what appeared to be a request for voluntary remand of this case in light of the newly-submitted evidence. (ECF No. 27.) The Notice further states that the Commissioner

1 Commissioner's opposition. No further briefing will be permitted in this action beyond plaintiff's reply.
2 Furthermore, no further extensions of time will be granted in this case absent a showing of special
3 necessity by the party seeking such an extension.

4 IT IS SO ORDERED.

5 Dated: November 18, 2014

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7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE

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25 reviewed plaintiff's additional evidence and declined to stipulate to a voluntary remand of this
26 action. (Id.) Because it appears that plaintiff's motion deemed to be his motion for summary
27 judgment relies on many of the same additional medical records he submitted in support of his
28 request for voluntary remand, the court finds that a statement of the evidence plaintiff submitted
along with that request and the Commissioner's reasons for declining to remand in light of that
evidence would aid the court in resolving the merits of plaintiff's motion for summary judgment.