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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARVIN DARNELL ORR,  
Plaintiff,  
v.  
CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,  
Defendant.

No. 2:14-cv-1251-EFB

ORDER

This case is before the undersigned pursuant to the consent of the parties. *See* 28 U.S.C. § 636(c). On August 13, 2015, plaintiff filed a motion for summary judgment. ECF No. 16. Pursuant to the court’s scheduling order, defendant was required to file an opposition or a statement of non-opposition to plaintiff’s motion, as well as any cross-motion, within 30 days of the date plaintiff’s motion was served. ECF No. 4. After receiving an extension of time, defendant timely filed an opposition. ECF No. 21. Defendant did not file a cross-motion for summary judgment. Without defendant moving for summary judgment, the court is without authority to enter judgment in defendant’s favor should defendant successfully oppose plaintiff’s motion.

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Accordingly, IT IS HEREBY ORDERED that defendant shall file a cross-motion for summary judgment within 14 days of the date this order is served.

DATED: October 8, 2015.



EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE