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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY JULIAN DEMELO,
Plaintiff,
v.
CAROLYN W. COLVIN, Acting
Commissioner of Social Security,
Defendant.

No. 2:16-cv-1275-EFB

ORDER

On December 9, 2016, plaintiff filed a motion for summary judgment. ECF No. 15. 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-motions, within 30 days of the date plaintiff’s motion was served. ECF No. 4. On January 9, 2017, defendant timely filed an opposition to plaintiff’s motion. ECF No. 16. Defendant did not, however, 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: January 10, 2017.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE