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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MUHAMMAD NAYYAR PERVAIZ,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:16-cv-2118-KJM-KJN PS

ORDER

On November 10, 2016, plaintiff filed a “statement of remand,” which the court liberally construes as a motion to remand. (ECF No. 12.) Thereafter, on November 14, 2016, the Commissioner filed a motion to strike plaintiff’s motion to remand on the basis that it is premature. (ECF No. 13.) The Commissioner’s counsel explained that she is still assembling the administrative record, and once that is complete, she will be able to consider plaintiff’s request for a voluntary remand.

Accordingly, IT IS HEREBY ORDERED that:

1. The Commissioner’s motion to strike (ECF No. 13) is granted.
2. Plaintiff’s “statement of remand,” liberally construed as a motion to remand, is STRICKEN without prejudice as premature.
3. Once the Commissioner has completed assembly of the administrative record and

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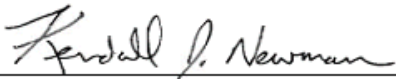
review of plaintiff's request for voluntary remand, the Commissioner shall promptly file the administrative record and notify plaintiff of its decision on the request for voluntary remand, and shall also file a brief notice regarding the Commissioner's decision on the court's docket.

4. If the Commissioner does not agree to a voluntary remand, plaintiff shall file his motion for summary judgment/remand within 45 days of the Commissioner's notice declining to voluntarily remand the action.

5. All other briefing deadlines outlined in the initial scheduling order remain unchanged.

IT IS SO ORDERED.

Dated: November 16, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE