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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

Plaintiff, who proceeds without counsel and *in forma pauperis*, commenced this social security action on September 6, 2016. (ECF No. 1.) On February 16, 2017, the Commissioner lodged and served the administrative record. (ECF Nos. 23, 24.) Thereafter, on March 2, 2017, the Commissioner notified the court that it declines to voluntarily remand the case. (ECF No. 29.)

In the course of the case so far, plaintiff has filed numerous statements and notices purporting to attach new or supplemental medical evidence. (ECF Nos. 16, 17, 26, 27.) The court strikes these filings as unauthorized by the court's scheduling order. If plaintiff wishes the court to consider arguments in support of a remand for payment of benefits or further administrative proceedings, such arguments shall be included in his motion for summary judgment, to be filed on the schedule outlined below. Additionally, if plaintiff wishes the court to

1 consider any new medical evidence not already contained in the administrative record, plaintiff
2 shall file such additional medical evidence as attachments to his motion for summary judgment.
3 However, plaintiff is cautioned that, under the applicable law, the court is generally limited to
4 considering evidence already in the administrative record, subject to very limited exceptions. As
5 such, if plaintiff wishes the court to consider new medical evidence submitted with his motion for
6 summary judgment, his motion shall include legal authority and analysis in support of his request
7 for the court to consider the new medical evidence.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Plaintiff's filings at ECF Nos. 16, 17, 26, 27 are STRICKEN and will not be
10 considered by the court.

11 2. No later than April 17, 2017, plaintiff shall file his motion for summary judgment.

12 The motion for summary judgment shall include all of plaintiff's arguments for why
13 plaintiff's case should be remanded for payment of benefits or further administrative
14 proceedings, and shall attach any new medical evidence plaintiff wishes the court to
15 consider along with legal authority and analysis as to why the court may properly
16 consider such new medical evidence. Other unauthorized filings will not be
17 considered by the court.

18 3. The Commissioner shall file its response to plaintiff's motion for summary judgment
19 within 30 days of the filing of plaintiff's motion for summary judgment. If plaintiff
20 elects to present new medical evidence not in the administrative record, the
21 Commissioner's response shall also specifically address the propriety of considering
22 such evidence and its potential impact on the merits of the case.

23 4. Plaintiff may, but need not, file a reply brief within 21 days after the filing of the
24 Commissioner's response.

25 5. Thereafter, the matter will be submitted for decision without oral argument on the
26 record and written briefing. No oral argument or further briefing will be entertained
27 unless specifically requested by the court.

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IT IS SO ORDERED.

Dated: March 6, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE