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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES SIDNEY YARBROUGH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:17-cv-1953-KJN

ORDER

On January 3, 2018, the Commissioner lodged and served the administrative transcript in this matter. (ECF No. 8.) According to the court’s scheduling order, plaintiff was required to file a motion for summary judgment and/or remand within 45 days from being served with a copy of the administrative record. (ECF No. 3.) It appears that the 45-day deadline has now passed, and that plaintiff has yet to file a motion for summary judgment and/or remand.

On February 28, 2018, plaintiff filed a request for clarification as to how he should proceed with the case. (ECF No. 13.) As noted above, plaintiff is required to proceed with the case by filing a motion for summary judgment and/or remand, which should contain all of his arguments for why he believes the Commissioner’s final decision was erroneous and should be reversed and/or remanded. Although the deadline for such a motion has already passed, the court finds it appropriate, in light of plaintiff’s *pro se* status, to provide plaintiff with an extension to


1 file his motion for summary judgment and/or remand.

2           Additionally, the court notes that plaintiff has not yet indicated whether he consents to the  
3 jurisdiction of the undersigned for all purposes pursuant to 28 U.S.C. § 636(c). Importantly,  
4 plaintiff is under no obligation to so consent, but the consent/decline designation assists the court  
5 in determining how the action will be administratively processed. Therefore, the court orders  
6 plaintiff to also file a consent/decline designation along with his motion for summary judgment  
7 and/or remand.

8           Accordingly, IT IS HEREBY ORDERED that:

- 9           1. Plaintiff's request for clarification (ECF No. 13) is GRANTED.
- 10           2. Plaintiff shall file his motion for summary judgment and/or remand no later than April  
11           9, 2018. The deadlines for the filing of any opposition or reply briefs shall be as  
12           provided for in the operative scheduling order (see ECF No. 3).
- 13           3. Plaintiff shall file a consent/decline designation to the jurisdiction of a United States  
14           Magistrate Judge no later than April 9, 2018.
- 15           4. The Clerk of Court shall serve on plaintiff along with this order another copy of the  
16           court's scheduling order (ECF No. 3) as well as a blank form for consenting  
17           to/declining the jurisdiction of a United States Magistrate Judge.

18 Dated: March 13, 2018

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21 KENDALL J. NEWMAN  
22 UNITED STATES MAGISTRATE JUDGE  
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