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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYNTHIA MARIE RUSSO,  
  
Plaintiff,  
  
v.  
  
NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,  
  
Defendant.


No. 2:17-cv-1957-EFB

ORDER

On February 23, 2018, plaintiff filed a brief in support of remand, challenging the final decision of the Commissioner denying her application for Supplemental Security Income under Title XVI of the Social Security Act and requesting the matter be remanded to the Administration for further proceedings. ECF No. 13. Plaintiff, however, did not file a motion for summary judgment. Without plaintiff moving for summary judgment, the court is without authority to enter judgment in her favor should she successfully demonstrate that the Commissioner’s decision is not supported by substantial evidence or the proper legal standards were not applied.

Accordingly, it is hereby ORDERED that plaintiff shall file a motion for summary judgment within 7 days of the date this order is served. The Commissioner’s cross-motion for summary judgment shall be filed 45 days thereafter.

DATED: February 28, 2018.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE