UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JO ANNE E. HASELTINE, Plaintiff, v. MICHAEL J. ASTRUE, Defendant.	No. C08-5782 BZ **ORDER GRANTING MOTION TO STRIKE EXTRA-RECORD DOCUMENTS FILED BY PLAINTIFF**

IT IS HEREBY ORDERED that defendant's motion to strike extra-record documents filed by plaintiff on August 27, 2009, is **GRANTED**. The Court is limited to an examination of the administrative record to determine if there is substantial evidence in the record to support the decision of the ALJ. Vasquez v. Astrue, 572 F.3d 586, 591 (9th Cir. 2009); *See also* Weber v. Sec'y of Health, Ed. And Welfare, 503 F.2d 1049, 1051 (9th Cir. 1974). While the Court has discretion to remand a case in light of new evidence, plaintiff has made no showing that the new documents are material and that good cause exists for the delay in presenting it. Mayes v. Massanari, 276 F.3d 453, 462 (9th Cir. 2001). Plaintiff has not shown that the

new evidence bears directly and substantially on the matter in dispute and that there is reasonable possibility that the new evidence would change the outcome of the administrative hearing. Ward v. Schweiker, 686 F.2d 762, 764 (9th Cir. 1982); Booz v. Sec'y of Health and Human Servs., 734 F.2d 1378, 1380-81 (9th Cir. 1984). Nor has plaintiff shown that she could not have obtained the new evidence at the time of the administrative proceeding. Sanchez v. Sec'y of Health & Human Servs., 812 F.2d 509, 512 (9th Cir. 1987); Clem v. Sullivan, 894 F.2d 328, 332 (9th Cir. 1990). Instead, plaintiff attacks the Court's Local Rules and Procedural Order. Lacking any justification for the Court to consider the extra-record documents, the Court is limited to review of the administrative record.

The Court finds no need for argument and **VACATES** the hearing set for Wednesday, October 21, 2009. **IT IS ORDERED** that the declaration of Andrew P. Ragnes, including all attachments, is **STRICKEN**.

Dated: September 23, 2009

Bernard Zimmerman
United States Magistrate Judge

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