

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL RODRIGUEZ,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security

Defendant

No. C 09-2668 MMC

**ORDER DIRECTING DEFENDANT TO
SERVE UPON PLAINTIFF
ADMINISTRATIVE RECORD AND TO
FILE PROOF OF SERVICE THEREOF;
SETTING DEADLINE FOR PLAINTIFF
TO FILE MOTION FOR SUMMARY
JUDGMENT**

In this action, plaintiff Daniel Rodriguez, proceeding pro se, seeks judicial review of a decision of the Social Security Administration, specifically, a decision of an administrative law judge dated February 23, 2007.

On December 16, 2009, defendant filed three documents: (1) an answer to plaintiff's complaint; (2) a two-page "Notice of Filing Social Security Administrative Transcript"; and (3) a certified copy of the administrative transcript, which transcript is 75 pages in length.

On December 17, 2009, defendant filed a proof of service in which defendant stated that he had served plaintiff with the "Answer, and Manual Filing Notification of Administrative Transcript," which documents appear to be references to the first two of the above-described three documents filed by defendant on December 16, 2009. The proof of service does not indicate that defendant served the administrative transcript upon plaintiff.

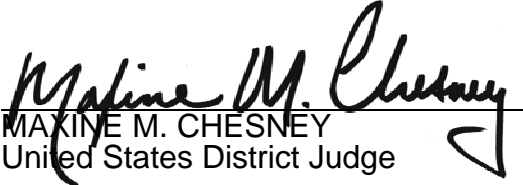
1 Accordingly, defendant is hereby DIRECTED to serve plaintiff, no later than February
2 5, 2010, with a copy of the administrative record, and to file, no later than February 5, 2010,
3 proof of such service.

4 Further, plaintiff is hereby DIRECTED to file, no later than March 12, 2010, a motion
5 for summary judgment. In such motion, plaintiff shall set forth all arguments in support of
6 his position that the administrative law judge's decision of February 23, 2007 is erroneous.
7 The Court hereby informs plaintiff that a failure to file a motion for summary judgment may
8 result in dismissal of the above-titled action for failure to prosecute.

9 The deadline for defendant to file an opposition to plaintiff's motion for summary
10 judgment or a counter-motion, as well as the deadline for plaintiff to file a reply thereto,
11 remain as set forth in the Procedural Order for Social Security Review Actions, filed June
12 16, 2009. Specifically, defendant shall file opposition or a counter-motion within 30 days of
13 the date of service of plaintiff's motion for summary judgment, and plaintiff shall file any reply
14 within 14 days of the date of service of defendant's opposition or counter-motion.

15 **IT IS SO ORDERED.**

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17 Dated: January 28, 2010


MAXINE M. CHESNEY
United States District Judge

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