

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DANIEL RODRIGUEZ,

No. C 09-2668 MMC

Plaintiff,

**ORDER GRANTING DEFENDANT'S
MOTION FOR EXTENSION OF TIME TO
FILE PROOF OF SERVICE**

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security

Defendant

By order filed January 28, 2010, the Court directed defendant to serve plaintiff, no later than February 5, 2010, with a copy of the administrative transcript, and to file, no later than February 5, 2010, proof of such service.

Before the Court is defendant's motion, filed February 17, 2010, for an extension of time to file the above-referenced proof of service, specifically, an extension to February 23, 2010.¹ Thereafter, on February 23, 2010, defendant filed proof of service, which filing

¹Defendant failed to provide the Court with a chambers copy of his motion for an extension of time. Although the Court has considered the motion, defendant, for future reference, is reminded of the following provision in the Court's Standing Orders: "In all cases that have been assigned to the Electronic Case Filing Program, the parties are required to provide for use in chambers one paper copy of each document that is filed electronically. The paper copy of each such document shall be delivered no later than noon on the day after the document is filed electronically. The paper copy shall be marked 'Chambers Copy' and shall be delivered to the Clerk's Office in an envelope clearly marked with the judge's name, case number, and 'E-Filing Chambers Copy.'"

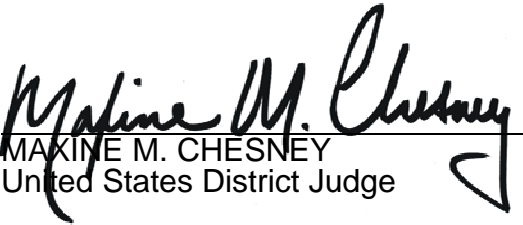
1 indicates defendant served plaintiff with the administrative transcript on December 17, 2009.

2 Good cause appearing, defendant's motion for an extension to file the proof of
3 service is hereby GRANTED.

4 The deadline for plaintiff to file his motion for summary judgment remains March 12,
5 2010, as set forth in the Court's January 28, 2010 order. In such motion, plaintiff shall set
6 forth all arguments in support of his position that the administrative law judge's decision of
7 February 23, 2007 is erroneous. The Court hereby informs plaintiff that a failure to file a
8 motion for summary judgment may result in dismissal of the above-titled action for failure to
9 prosecute.

10 **IT IS SO ORDERED.**

11
12 Dated: February 25, 2010

13 
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
MAXINE M. CHESNEY
United States District Judge