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28United States District Court  
For the Northern District of CaliforniaIN 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 RE: PLAINTIFF'S "MOTION"  
FILED APRIL 7, 2010; DECLINING TO  
DISCHARGE ORDER TO SHOW  
CAUSE; DIRECTING PLAINTIFF TO  
FILE MOTION FOR SUMMARY  
JUDGMENT**

In this action, plaintiff, proceeding pro se, seeks judicial review of a decision of the Social Security Administration. By order filed January 28, 2010, plaintiff was directed to file a motion for summary judgment no later than March 12, 2010. Because plaintiff had not filed a motion for summary judgment as of March 12, 2010, the Court, by order filed April 1, 2010, directed plaintiff to show cause, no later than April 23, 2010, why the above-titled action should not be dismissed for failure to prosecute. In the April 1, 2010 order, the Court stated that "[t]o show good cause, plaintiff must file his motion for summary judgment, along with a declaration explaining why such motion was not filed within the time required by the Court's prior orders." (See April 1, 2010 Order at 1:28 - 2:3.)

On April 7, 2010, plaintiff filed a document titled "Motion," in which plaintiff states he was unable to file a motion for summary judgment within the time required by the Court's

1 prior orders because he was in custody.

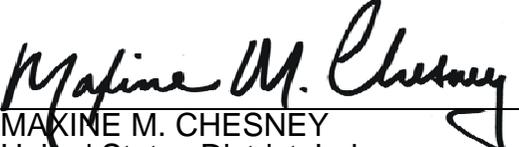
2 Plaintiff's explanation is sufficient to explain why he did not file a motion for summary  
3 judgment on or before March 12, 2010. Plaintiff has not, however, filed a motion for  
4 summary judgment, and, consequently, the Court declines to discharge the April 1, 2010  
5 order to show cause.

6 Plaintiff is hereby DIRECTED to file, no later than April 23, 2010, his motion for  
7 summary judgment. As was explained in the Court's orders of January 28, 2010 and  
8 February 25, 2010, plaintiff, in his motion for summary judgment, shall set forth all  
9 arguments in support of his position that the administrative law judge's decision of February  
10 23, 2007 is erroneous. In particular, plaintiff must identify in his motion for summary  
11 judgment what finding or findings included in the decision of February 23, 2007 are  
12 erroneous, and set forth his argument as to why any such finding is erroneous.

13 If plaintiff fails to file a motion for summary judgment on or before April 23, 2010, the  
14 Court will dismiss the action for failure to prosecute.

15 **IT IS SO ORDERED.**

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17 Dated: April 9, 2010

  
MAKINE M. CHESNEY  
United States District Judge

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