

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,  
Plaintiff,  
v.  
MICHAEL J. ASTRUE, Commissioner of  
Social Security  
Defendant

No. C 09-2668 MMC

**ORDER SETTING BRIEFING  
SCHEDULE ON PLAINTIFF’S MOTION  
FOR SUMMARY JUDGMENT AND ANY  
COUNTER-MOTION**

Before the Court is the “Motion for Summary Judgment,” filed April 15, 2010 by plaintiff Daniel Rodriguez, who is proceeding pro se. To date, defendant Michael J. Astrue has not filed a response.<sup>1</sup>

Given the brevity of plaintiff’s motion, which, independent of its title, consists of seven lines of text, the Court finds opposition would assist the Court in resolution of the issues presented thereby.

Accordingly, the Court sets the following briefing schedule:

- 1. No later than July 16, 2010, defendant shall file an opposition and/or counter-motion, which filing(s) shall address, in addition to any other relevant issue, the effect, if any,

---

<sup>1</sup>Although plaintiff did not file a proof of service, it appears defendant has, in effect, been served with the motion, in that the document was scanned into the district court’s electronic filing docket by the Clerk of the Court.

1 of 8 U.S.C. § 1611(b)(5) on plaintiff's claim for benefits.

2 2. No later than August 6, 2010, plaintiff shall file a reply.

3 3. Unless the Court orders otherwise, as of August 6, 2010, the matter will be  
4 deemed submitted for decision without oral argument.

5 **IT IS SO ORDERED.**

6  
7 Dated: June 21, 2010

8   
9 MAXINE M. CHESNEY  
10 United States District Judge

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28