

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 STRIKING PLAINTIFF’S PROOF
OF EVIDENCE WITHOUT PREJUDICE**

v.

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration,

Defendant.

_____ /

By order filed December 6, 2010, the Court remanded the above-titled matter to the Commissioner of the Social Security Administration (“Commissioner”) with directions to consider on remand “whether [plaintiff] is eligible [for SSI benefits] as an alien permanently residing in the United States under color of law.” (See Order, filed December 6, 2010, 4:20-21.) Also on December 6, 2010, the Clerk entered judgment on the Court’s order, which judgment concluded the proceedings in the district court.

Thereafter, on March 9, 2011, plaintiff filed in the district court a “Proof of Evidence,” which filing consists of several documents that, arguably, may bear on whether plaintiff is a permanent resident residing in the United States,¹ which issue, as noted, is no longer

¹The Court makes no finding as to whether the documents are in fact relevant to any particular issue.


1 pending before this Court, but, rather, is before the Commissioner for further
2 determination.

3 Under the circumstances, the Proof of Evidence is hereby STRICKEN, without
4 prejudice to plaintiff's submitting such evidence to the Commissioner, pursuant to the
5 procedures applicable on remand before the Commissioner and/or any Administrative Law
6 Judge to whom the Commissioner may refer the matter.

7 **IT IS SO ORDERED.**

8

9 Dated: March 14, 2011


MAXINE M. CHESNEY
United States District Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28