

1 UNITED STATES DISTRICT COURT

2 Northern District of California

3 DEXTER PERSON,

No. C 10-03021 MEJ

4 Plaintiff,

**ORDER SETTING DEADLINE FOR
PLAINTIFF TO FILE MOTION FOR
SUMMARY JUDGMENT AND/OR
REMAND**

5 v.

6 SOCIAL SECURITY COMMISSIONER,

7 Defendant.

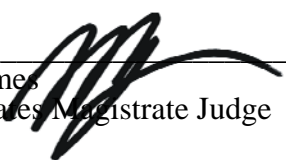
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9 On July 9, 2010, Plaintiff Dexter Person filed the above-captioned case, seeking review of a decision by the Secretary of Health and Human Services denying Social Security benefits.

10 Defendant filed an answer on January 25, 2011. Pursuant to the Procedural Order for Social
11 Security Review Actions issued in this case, Plaintiff was ordered to file a motion for summary
12 judgment or remand within 30 days of service of Defendant's answer. As Plaintiff failed to comply
13 with the procedural order, the Court ordered Plaintiff to file a status report by May 19, 2011. (Dkt.
14 No. 18.)

15 On May 2, 2011, Plaintiff filed a one-page status report in which he lists medications he is
16 currently taking, as well as provides information regarding his current medical treatment. (Dkt. No.
17 19.) While the Court appreciates Plaintiff's effort to respond, his current issues are not what this
18 case is about. Plaintiff is reminded that the Court's jurisdiction is limited to reviewing the
19 administrative record to determine whether the decision is supported by substantial evidence in the
20 record, and whether the Secretary complied with the requirements of the Social Security Act in
21 reaching the decision reviewed. (Dkt. No. 3.) Thus, the Court may not consider any evidence
22 outside the record, including Plaintiff's status report. Accordingly, the Court ORDERS Plaintiff to
23 file a motion for summary judgment or remand by June 1, 2011. Plaintiff's motion shall not address
24 any evidence that is not part of the administrative record. Plaintiff is hereby warned that failure to
25 comply with this Order may result in the dismissal of his case.

26 **IT IS SO ORDERED.**

27 Dated: May 3, 2011

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Maria-Elena James
Chief United States Magistrate Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DEXTER PERSON,
Plaintiff,

Case Number: CV10-03021 MEJ

CERTIFICATE OF SERVICE

v.

SOCIAL SECURITY COMMISSIONER et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 3, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dexter Person
2875 Valencia Way
San Pablo, CA 94806

Dated: May 3, 2011

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk