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

SHANA HARRIS,

No. C 10-03377 WHA

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,

**ORDER DENYING MOTION
FOR DEFAULT JUDGMENT,
A DIRECTED VERDICT, AND
FOR SUMMARY JUDGMENT**

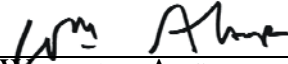
Defendant.

Plaintiff's motion for default judgment, a directed verdict, and for summary judgment, which is based entirely upon the Commissioner's late filing of an answer in this social security appeal, is **DENIED**. As explained in the order filed on October 26, 2010, the delay in the Commissioner's filing of an answer was caused by an administrative mix-up following the transfer of this action from a different district where plaintiff initially (and improperly) filed her appeal (Dkt. No. 19). Given this explanation, the October 26 order excused the Commissioner's untimely filing and the answer was deemed filed that same day. The administrative record was then filed on October 28. The instant motion was then received by the Clerk on October 29.

This social security appeal will proceed and be resolved *on the merits*. In this connection, plaintiff is reminded that a motion for summary judgment or for remand must be filed and served within 30 days of service of the Commissioner's answer and administrative record.

IT IS SO ORDERED.

Dated: November 1, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE