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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

JAHMOL FACEN,

No. C 12-04648 LB

Plaintiff,

ORDER TO SHOW CAUSE

v.

CAROLYN COLVIN, Commissioner of
Social Security,

Defendant.

_____/

Plaintiff Jahmol Facen filed this action and moved for summary judgment, seeking judicial review of a final decision by the Commissioner of Social Security denying him Social Security Income (“SSI”) disability benefits for his claimed disabilities of Attention Deficit Disorder (“ADD”) and Depression. On August 23, 2013, the court granted in part and denied in part Mr. Facen’s motion for summary judgment, denied the Commissioner’s cross-motion for summary judgment, and remanded the case to the Social Security Administration to obtain additional and updated evidence consistent with the court’s order.

On September 13, 2013, Mr. Facen filed via the court’s Electronic Case File (“ECF”) a motion for an award of \$2,754.72 in attorney’s fees and costs. Under Civil Local Rule 7-3(a), the Commissioner’s deadline to file an opposition to the motion was 14 days later, or by September 27, 2013. To date, the Commissioner has filed neither an opposition nor a statement of non-opposition, even though Civil Local Rule 7-3(b) states that “[i]f the party against whom the motion is directed

1 does not oppose the motion, that party must file with the Court a Statement of Nonopposition within
2 the time for filing and serving any opposition.”

3 Accordingly, the court **ORDERS** the Commissioner to show cause why it has failed to file either
4 an opposition or a statement of non-opposition to Mr. Facen’s motion for attorney’s fees and costs.
5 The Commissioner shall do so by filing a written response by **5:00 p.m. on Monday, October 7,**
6 **2013.** The filing of a statement of non-opposition will discharge this order to show cause. The
7 failure to file a response may be construed as a non-opposition to Mr. Facen’s motion and result in
8 an award of attorney’s fees and costs.

9 **IT IS SO ORDERED.**

10 Dated: October 4, 2013

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13 LAUREL BEELER
14 United States Magistrate Judge

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