

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HENRY KING and MAOYUN ZHANG,

No. C-13-1897 EMC

Plaintiffs,

v.

**ORDER DENYING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT
WITHOUT PREJUDICE**SOCIAL SECURITY ADMINISTRATION,
FREMONT,**(Docket No. 10)**Defendant.

In this action requesting review of the decision by the Secretary of Health and Human Services denying Plaintiffs' Social Security benefits, Plaintiffs have filed a "Notice of Motion and Motion to and Memorandum of Points and Authorities in Support Thereof." Docket No. 10. Though it is not entirely clear from the face of the motion, it seems that Plaintiffs intend this to be a motion for summary judgment. This motion, however, is premature. As explained in the procedural order issued on April 25, 2013, Plaintiffs should file their motion for summary judgment or motion for remand within 28 days after Defendant files its answer and a certified copy of the administrative record. Docket No. 3. This is to allow Plaintiffs the opportunity to review the administrative record so that they may cite to appropriate sections of the record in their motion.

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1 As Defendant has not yet filed its answer or a certified copy of the administrative record, this
2 Court finds that Plaintiffs' motion is premature, and thus **DENIES** the motion without prejudice.
3 Plaintiffs may re-submit a motion for summary judgment within 28 days of service of Defendant's
4 answer.

5 This order disposes of Docket No. 10.

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7 IT IS SO ORDERED.

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9 Dated: May 23, 2013

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12 EDWARD M. CHEN
13 United States District Judge
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