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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEBORAH LAGUTARIS,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

Case No. [16-cv-00301-SI](#)

**ORDER DENYING AS MOOT
PLAINTIFF'S REQUEST TO
CONTINUE**

Re: Dkt. No. 4

On January 19, 2016, plaintiff Deborah Lagutaris filed a complaint for judicial review of the decision of the Commissioner of Social Security. Docket No. 1. That same day, she also filed a request to continue the deadline to file an appeal of the Social Security decision by sixty days. Docket No. 4. Because plaintiff's filing of the complaint in this case *was* the appeal of the Social Security decision, plaintiff's request for a continuance is DENIED as moot.

A procedural order was issued in this case on January 19, 2016. Docket No. 2. That order explains that, once the defendant has been served with the summons and complaint—which has not yet happened¹—the defendant has ninety days to file an answer and a copy of the administrative record. Once the defendant has filed an answer, plaintiff has thirty days to file her motion for summary judgment or remand. Thus, if defendants are served soon, plaintiff will likely not need to file anything for at least sixty days, which is the length of the extension that she has sought in order to obtain representation. Likely, plaintiff's filing will not be due until the spring, perhaps sometime in May.

¹ The Court is separately approving plaintiff's application to proceed *in forma pauperis*. See Docket No. 3. As part of that approval process, the Court is ordering that the U.S. Marshals serve the defendant, at no cost to the plaintiff.

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Plaintiff therefore has time in which to find a lawyer. If the deadline for filing her motion approaches and she still needs more time to find representation, plaintiff may file a further request for an extension.

IT IS SO ORDERED.

Dated: January 27, 2016



SUSAN ILLSTON
United States District Judge