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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

JOHN B. PIROG,

No. C 08-02093 SBA

No. C 08-02094 SBA

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

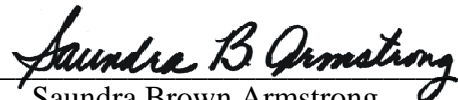
10 Before the Court is defendant's Motion for Relief from Order under Fed.R.Civ.P. 60(b)(6)
11 [Docket Nos. 22 in 08-02093 & 18 in 08-02094]. Defendant seeks to vacate the Court's Orders
12 denying defendant's motion to dismiss, entered on November 7, 2008. *See id.* On December 10,
13 2008, the Court set a briefing schedule for defendant's Rule 60 motion. *See* Docket Nos. 24 in 08-
14 02093 & 20 in 08-02094. Plaintiff had until December 23, 2008 to file an opposition, if any, and
15 defendant had until January 6, 2009 to file a reply, if any. *See id.* On December 15, 2008, for
16 reasons unknown, plaintiff filed a request for a "continuance" to respond to defendant's motion to
17 dismiss. *See* Docket Nos. 25 in 08-02093 & 21 in 08-02094. Plaintiff stated that he was in Iowa
18 assisting his mother due to his father's recent passing. *Id.* Plaintiff provided a mailing address in
19 Greenbrae, California. *See id.* On January 7, 2009, the Court's Order setting a briefing schedule
20 was returned as undeliverable due to the forwarding time having expired. *See* Docket Nos. 26 in 08-
21 02093 & 22 in 08-02094. On January 8, 2009, still in Iowa, plaintiff filed another request for a
22 "continuance," and provided a new Iowa address. *See* Docket Nos. 27 in 08-02093 & 23 in 08-
23 02094.

24 Given plaintiff's circumstances, his pro per status, and his timely contacts with the Court
25 indicating a desire to prosecute this matter, the Court sets the following briefing schedule. The
26 Clerk of the Court shall send plaintiff a copy of defendant's Motion for Relief from Order under
27 Fed.R.Civ.P. 60(b)(6) and any attached papers or proposed orders. Plaintiff shall file any opposition
28 to this motion on or before February 10, 2009. Defendant shall file any reply on or before

1 February 24, 2009. The Court shall consider the matter submitted on the pleadings. The Court
2 advises plaintiff that under Civil Local Rule 3-9(a) he is expected to comply with all local rules, and
3 that under Civil Local Rule 3-11 he must keep the Court timely apprised of any changes in address.
4 The Court also cautions that under paragraph 8 of the Court's Standing Order for Civil Cases his
5 failure to oppose a motion will constitute consent to granting it.

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7 IT IS SO ORDERED.

8 January 20, 2009

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10 Saundra Brown Armstrong
11 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

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6 PIROG et al,

Case Number: CV08-02093 SBA

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 ASTRUE et al,

10 Defendant.
_____ /

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
Northern District of California.

13 That on January 21, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
16 in the Clerk's office.

17
18 John B. Pirog
2626 So. Mulbeny Street
19 Sioux City, IA 51106

20 Dated: January 21, 2009

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk

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