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

**JIAN WANG,**  
  
Plaintiff,  
  
vs.  
  
**MICHAEL J. ASTRUE, COMMISSIONER OF  
SOCIAL SECURITY,**  
  
Defendant.

Case No.: 12-CV-1420 YGR  
  
**ORDER DISMISSING ACTION FOR FAILURE  
TO PROSECUTE**

United States District Court  
Northern District of California


Under the Procedural Order for Social Security Review Actions, Docket No. 2, Plaintiff's motion for summary judgment or for remand was required to be filed within 30 days of service of Defendant's answer. Defendant filed and served his answer, and lodged the administrative record, on August 7, 2012. The parties thereafter filed a stipulation to extend Plaintiff's time to file her motion until December 2, 2012, which the Court granted by its Order issued September 11, 2012. (Dkt. No. 21.) However, Plaintiff did not file her motion by the time.

By Order issued January 9, 2013, Plaintiff was directed to file, no later than February 6, 2013 her motion for summary judgment or for remand, or else the Court would dismiss the case for failure to prosecute. As of February 13, 2013, Plaintiff has not filed either, nor has she filed any other documents.

Therefore, and pursuant to Federal Rule of Civil Procedure 41(b), this action is **DISMISSED WITHOUT PREJUDICE.**

**IT IS SO ORDERED.**

Date: February 14, 2013

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE