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United States District Court
Northern District of California

GARY L. LEWIS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No.: C 4:12-4258 KAW

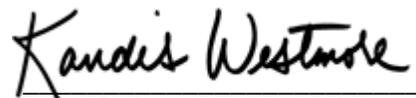
ORDER STRIKING COMMISSIONER'S
MOTION TO DISMISS

On December 10, 2012, Defendant filed a motion to dismiss this case. Pursuant to the Northern District's Procedural Order for Social Security Review Actions, Defendant was to file an answer, together with a certified copy of the administrative record. *See* Dkt #3. Defendant was not given leave to file a motion to dismiss; therefore, the Court strikes the pleading as impertinent. *See* Fed. R. Civ. P. 12(f).

Accordingly, it is hereby ORDERED that:

1. Defendant's motion to dismiss is stricken, and the hearing date of January 17, 2013, is vacated. *See* Dkt #16.
2. Defendant shall file an answer, together with a certified copy of the administrative record, within 30 days of the date of this order.

Dated: December 18, 2012



KANDIS A. WESTMORE
United States Magistrate Judge