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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTIN DAY,
Plaintiff,
v.
CAROLYN W. COLVIN,
Defendant.

Case No. [4:14-cv-04919-KAW](#)

**ORDER TO SHOW CAUSE TO THE
COMMISSIONER; SHOW CAUSE
HEARING ON 12/15/16**

Re: Dkt. Nos. 19 & 23

On October 13, 2015, the Court granted Plaintiff Martin Day's motion for summary judgment and remanded the case for an immediate award of benefits. (Dkt. No. 19.) On November 20, 2015, the Court granted the parties' stipulation for the payment of attorneys' fees and costs under the Equal Access to Justice Act. (Dkt. No. 22.)

On October 14, 2016, Plaintiff wrote a letter to undersigned to inform the Court that he has not received any benefits from the Social Security Administration. (Dkt. No. 23) Plaintiff further represented that he had contacted his attorney and was told that he had won his case, but that her calls to the Social Security Administration have also gone unreturned. *Id.*

Accordingly, on or before **December 5, 2016**, the Commissioner shall show cause why Mr. Day's benefits are not being paid given that the October 13, 2015 order required the immediate payment of benefits. The Court will hold a hearing on the order to show cause on **December 15, 2016** at 11:00 a.m in Courtroom 4, 1301 Clay Street, Oakland, California.

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As Plaintiff has not made a formal appearance, Plaintiff's counsel of record, Geri Kahn, shall serve a copy of this order and any other filings on Plaintiff until such an appearance is made. Ms. Kahn shall also appear at the hearing on December 15, 2016 if the benefits issue is not resolved prior to that date, and may recover EAJA fees for her time.

IT IS SO ORDERED.

Dated: November 18, 2016


KANDIS A. WESTMORE
United States Magistrate Judge