

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAUL MATTHEW CASAS,)	Case No.: C 10-5319 PSG
)	
Plaintiff,)	ORDER DISSOLVING ORDER TO
v.)	SHOW CAUSE WHY CASE SHOULD
)	NOT BE DISMISSED FOR FAILURE
MICHAEL J. ASTRUE, Commissioner of Social)	TO PROSECUTE
Security,)	
)	
Defendant.)	

On November 23, 2010, Plaintiff Raul Casas (“Casas”) filed a Complaint for Judicial Review of Decision of Commissioner of Social Security. On March 16, 2011, Defendant Michael J. Astrue, Commissioner of Social Security (“Astrue”) answered the complaint. On August 4, 2011, the court ordered Casas to show cause in writing, no later than August 16, 2011, why the case should not be dismissed for failure to prosecute.¹ On August 15, 2011, Casas filed a reply to the court’s order to show cause.² Casas acknowledged his failure to file a motion for summary judgment in a timely manner and presented several arguments in favor of maintaining the action. Casas further sought leave of the court to file the motion motion for summary judgment late. On August 30, 2011, Casas filed his motion for summary judgment.

Casas has stated good cause that this case should not be dismissed. The order to show cause therefore is dissolved, and the court hereby accepts Casas’ summary judgment filing. Astrue

¹ See Order to Show Cause (Docket No. 18) (citing requirement that plaintiff file his motion for summary judgment within 30 days of defendant’s answer, pursuant to the November 23, 2010 Procedural Order for Social Security Review Actions).

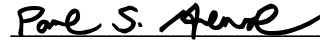
² See Reply to Order to Show Cause re Dismissal (Docket No. 21).

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may calculate the deadline for filing of any opposition and cross-motion based on the date of this order, rather than the date of Casas' filing.

IT IS SO ORDERED.

Dated: 9/13/2011



PAUL S. GREWAL
United States Magistrate Judge