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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JOHN MAYHEW,
Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,
Defendant.

Case No. 13-cv-04521-BLF

**ORDER DIRECTING CLERK TO FILE
CORRESPONDENCE SUBMITTED BY
PLAINTIFF; CONSTRUING
CORRESPONDENCE AS PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT; AND VACATING ORDER
TO SHOW CAUSE**

On October 14, 2014, the Court issued an Order to Show Cause why this action should not be dismissed for failure to prosecute. The Order recited the procedural history of this case, including Plaintiff's failure to file a motion for summary judgment within the time provided by the Court.

The Court has received Plaintiff's correspondence dated October 28, 2014, in which Plaintiff asks the Court not to dismiss his action and to grant summary judgment in his favor. The Clerk is directed to file this correspondence, which the Court construes as a motion for summary judgment. The Court hereby vacates the Order to Show Cause and grants Plaintiff until November 14, 2014 to file a memorandum of points and authorities and any evidence he wishes to submit in support of his motion for summary judgment. Defendant's time to file her cross-motion for summary judgment shall run from the date upon which Plaintiff files a memorandum of points and authorities or from November 14, 2014, whichever is earlier.

IT IS SO ORDERED.

Dated: October 31, 2014


BETH LABSON FREEMAN
United States District Judge