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

TERREE SUMMER,
Plaintiff,
v.
CAROLYN COLVIN,
Defendant.

Case No. 16-cv-01872-BLF

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT**

[Re: ECF 23]

Before the Court is Plaintiff’s motion for default judgment against Defendant in this case concerning denial of social security benefits. ECF 23. Plaintiff states that despite multiple stipulations ultimately granting Defendant until November 22, 2016 to file a response to Plaintiff’s motion for summary judgment, Defendant still has not filed a response. *Id.* Plaintiff requests the Court to grant the pending motion for summary judgment and to remand the case with instruction to pay all benefits. *Id.*; Proposed Order.

Here, Defendant was served and has answered Plaintiff’s amended complaint. ECF 12, 13. Pursuant to the Court’s procedural order, Plaintiff then moved for summary judgment within 28 days of Defendant’s answer. ECF 4. Defendant should have opposed or counter-moved within 28 days of the service of Plaintiff’s motion. The parties then stipulated to and the Court granted two extensions for Defendant to oppose until November 22, 2016. ECF 19, 20. To date, however, Defendant has yet to file an opposition or a cross motion for summary judgment.

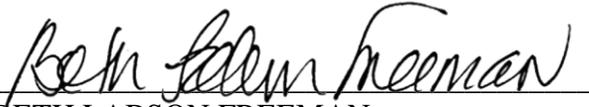
Because Defendant has answered Plaintiff’s amended complaint, the Court will DENY Plaintiff’s motion for default judgment. Nevertheless, because Defendant had failed to oppose Plaintiff’s motion for summary judgment, the Court would deem the matter submitted and will

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proceed to consider Plaintiff's motion for summary judgment without opposition.

IT IS SO ORDERED.

Dated: December 20, 2016


BETH LABSON FREEMAN
United States District Judge