

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02856 -AP

Roycharles Davis,

Plaintiff,

v.

Carolyn Colvin,¹
Acting Commissioner of Social Security
Defendant.

JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES

1. APPEARANCES OF COUNSEL AND PRO SE PARTIES

For Plaintiff:

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For Defendant:

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¹Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

The Court has jurisdiction based on section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

3. DATES OF FILING OF RELEVANT PLEADINGS

- A. Date Complaint Was Filed: October 29, 2012**
- B. Date Complaint Was Served on U.S. Attorney's Office: December 6, 2012**
- C. Date Answer and Administrative Record Were Filed: February 4, 2013**

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

The parties, to the best of their knowledge, state that the administrative record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Neither party intends to submit additional evidence.

6. STATEMENT REGARDING WHETHER THIS CASE RAISES UNUSUAL CLAIMS OR DEFENSES

The parties, to the best of their knowledge, do not believe the case raises unusual claims or defenses.

7. OTHER MATTERS

This case involves a new application filed. However, Plaintiff has a prior application that was appealed to and remanded by the district court in case 1:11-cv-3005-JLK. Judge John L. Kane granted Defendant's unopposed motion for remand pursuant to sentence 4 of 42 U.S.C. § 405(g) (Doc. 20, July 9, 2012).

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due: April 8, 2013**
- B. Defendant's Response Brief Due: May 8, 2013**
- C. Plaintiff's Reply Brief (If Any) Due: May 23, 2013**

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiff's Statement: Plaintiff does not request oral argument.

- B. Defendant's Statement: Defendant does not request oral argument.

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

Indicate below the parties' consent choice.

- A. (X) All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.

- B. () All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.

11. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN

THE PARTIES FILING MOTIONS FOR EXTENSION OF TIME OR CONTINUANCES MUST COMPLY WITH D.C.COLO.LCivR 7.1(C) BY SUBMITTING PROOF THAT A COPY OF THE MOTION HAS BEEN SERVED UPON THE MOVING ATTORNEY'S CLIENT, ALL ATTORNEYS OF RECORD, AND ALL PRO SE PARTIES.

The parties agree that the Joint Case Management Plan may be altered or amended only upon a showing of good cause.

DATED this 20th day of February, 2013_____.

BY THE COURT:

s/John L. Kane
U.S. DISTRICT COURT JUDGE

APPROVED:

UNITED STATES ATTORNEY

/s/ Anthony L. Sokolow

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Revised: 5/29/2012