

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Senior Judge Wiley Y. Daniel**

Civil Action No. 15-cv-02557-WYD

BRYN KENNAN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

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**ORDER**

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THIS MATTER comes before the Court on the Plaintiff's Motion for Default Judgment by the Court (ECF No. 16). Defendant filed a response in opposition to the motion.

Plaintiff filed her Complaint *pro se*, seeking judicial review of the administrative law judge's decision denying her claim for social security disability benefits. In the pending motion, Plaintiff appears to argue that she is entitled to a default judgment against the Defendant because Defendant did not file its answer as of February 6, 2016.

As noted by Defendant in its response, my Order, dated December 2, 2015, stated that "[t]he answer shall consist of a certified copy of the transcript of the administrative record plus any affirmative defense, which if then not filed, shall be waived. The Answer shall be filed not later than sixty (60) days, or sooner if practicable, after service (or waiver or acceptance of service)." (ECF No. 7 at 2.b).

On December 2, 2015, the United States Attorney's Office for the District of

Colorado accepted service of Plaintiff's Complaint. (ECF No. 9). On February 1, 2016, the Defendant filed a certified copy of the administrative record, which was within the 60 day deadline set forth in my Order. (ECF No. 15). Defendant did not assert any affirmative defenses.

Accordingly, because the certified copy of the transcript of the administrative record constitutes the answer if no affirmative defenses are asserted, I find that Defendant complied with its obligations to timely file its answer to Plaintiff's Complaint.

Accordingly, it is

ORDERED that Plaintiff's Motion for Default Judgment (ECF No. 16) is **DENIED**. This case shall proceed as set forth in the Joint Case Management Plan (ECF No. 18).

Dated: February 12, 2016

BY THE COURT:

*/s/ Wiley Y. Daniel*  
WILEY Y. DANIEL,  
SENIOR UNITED STATES DISTRICT JUDGE