

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAVID MILLER,

Plaintiff,

v.

Case No: 2:16-cv-779-FtM-29CM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This matter comes before the Court upon review of the Joint Stipulation and Motion to Strike Certified Administrative Record (Doc. #9-1), to File a Revised Transcript of the Proceedings, and for a Revised Scheduling Order (Doc. 12) filed on February 16, 2017. On December 19, 2016, the Commissioner filed the Certified Administrative Records (“CAR”). Doc. 9. On December 20, 2016, the Court issued a Scheduling Order, directing Plaintiff to file a memorandum of law on or before February 21, 2017, and the Commissioner to file a memorandum of law on or before April 19, 2017. Doc. 11. The parties seek to strike the Court Transcript Index contained in the CAR (Doc. 9-1) and to revise the Scheduling Order because the CAR is not full and accurate. Doc. 12 at 2. The parties allege that the Court Transcript Index contained in the CAR (Doc. 9-1) filed in this matter pertains to another claimant. *Id.*

Although the Court is inclined to grant the parties' motion to strike the Court Transcript Index (Doc. 9-1), the parties do not demonstrate the need to revise the Scheduling Order because most of the CAR will remain intact even after the Court Transcript Index (Doc. 9-1) is stricken. Doc. 12. Instead, the Court will grant a two-week extension for the parties to file their respective memoranda of law to allow the Commissioner enough time to file a new Court Transcript Index and the parties to draft their memoranda with the benefit of an accurate Court Transcript Index.

ACCORDINGLY, it is hereby

ORDERED:

1. The Joint Stipulation and Motion to Strike Certified Administrative Record (Doc. #9-1), to File a Revised Transcript of the Proceedings, and for a Revised Scheduling Order (Doc. 12) is **GRANTED in part and DENIED in part.**

2. The Court Transcript Index (Doc. 9-1) is **STRICKEN.**

3. The Commissioner shall have up to and including **February 28, 2017** to file a new Court Transcript Index.

4. Plaintiff shall have up to and including **March 7, 2017** to file a memorandum of law.

5. The Commissioner shall have up to and including **May 3, 2017** to file a memorandum of law.

6. All other directives in the Scheduling Order (Doc. 11) remain in effect.

DONE and ORDERED in Fort Myers, Florida on this 16th day of February, 2017.



CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record