

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

JOHN D. SYMONDS,

Plaintiff,

vs.

1:05CV58-MMP/AK

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

_____ /

ORDER

The answer and transcript have been filed (docs. 29 and 30), and it is now time for the parties to file memoranda in support of their respective positions. Plaintiff has the burden to demonstrate that Defendant's decision to deny benefits was incorrect. Thus, Plaintiff has the burden to file the first memorandum. Failure of Plaintiff to file a memorandum specifically addressing the claimed error as instructed by this order will be deemed to be a failure to prosecute and will result in a recommendation that this case be dismissed for that reason.

Accordingly, it is **ORDERED** that:

1. Plaintiff shall have until **February 2, 2009**, to file a memorandum in support of the complaint. The memorandum shall set forth Plaintiff's legal contentions and shall cite the record by page number for every factual contention.
2. Defendant shall have 30 days from receipt of Plaintiff's memorandum in which to file a response and shall cite the record by page number for every factual contention.

3. Neither memorandum shall exceed 35 pages without a showing of good cause and approval by the court; the page limit of Local Rule 7.1 is so modified.

DONE AND ORDERED this 1st day of December, 2008.

S/ A Kornblum
ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE