

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

LUCKY STEVENS,
Plaintiff,

vs.

Case No.: 3:08cv288/RV/EMT

MICHAEL J. ASTRUE,
Commissioner of the
Social Security Administration,
Defendant.

ORDER

The Defendant having filed his answer (Doc. 12) to the complaint and a certified copy of the transcript of the administrative proceedings below (*see* Docs. 13, 14), the court believes that the interests of justice would be served by allowing the parties an opportunity to file memoranda in support of their respective positions.

Because Plaintiff has the burden to demonstrate that Defendant's decision to deny benefits was incorrect, Plaintiff has the burden to file the first memorandum. Failure of Plaintiff to file such a memorandum which specifically addresses the claimed error shall be deemed a failure to prosecute and will result in a recommendation that this case be dismissed with prejudice.

Accordingly, it is **ORDERED**:

1. Plaintiff shall have **SIXTY (60) days** to file a memorandum not to exceed twenty-five (25) pages in support of his complaint. The memorandum shall set forth Plaintiff's legal contentions and shall specifically cite the record by page number for factual contentions.
2. Defendant shall within **THIRTY (30) days of service of Plaintiff's memorandum** file a response, also not to exceed twenty-five (25) pages.
3. The clerk of court is directed to return this file to the undersigned no later than **the due date of Defendant's response**.

DONE AND ORDERED this 29th day of September 2008.

/s/ Elizabeth M. Timothy _____
ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE