

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
(at Pikeville)

DANIEL L. DOUCETTE,)	
)	
Plaintiff,)	Civil Action No. 7: 16-75-DCR
)	
V.)	
)	
CAROLYN W. COLVIN, Acting)	MEMORANDUM OPINION
Commissioner of Social Security,)	AND ORDER
)	
Defendant.)	

*** **

This matter is pending for consideration of the Commissioner’s Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). [Record No. 5] In support, the Commissioner has provided exhibits, which include declarations of a Social Security Administration official and portions of the plaintiff’s administrative record. If, on a 12(b)(6) motion, “matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment.” *CGH Transp., Inc. v. Quebecor World, Inc.*, 261 F. App’x 817, 822 (6th Cir. 2008); *see also* Fed. R. Civ. P. 12(d). Accordingly, it is hereby

ORDERED as follows:

1. The parties are put on **NOTICE** that the defendant’s motion to dismiss under Rule 12(b)(6) [Record No. 5] will be converted to a motion for summary judgment under Rule 56.
2. The plaintiff has until **Monday, October 17, 2016**, to make any supplemental filing in the record.

This 11th day of October, 2016.



Signed By:

Danny C. Reeves DCR

United States District Judge