

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DEAN ALAN MYDOCK,

Plaintiff,

v.

Case Number 08-13166-BC
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION FOR ENTRY
OF JUDGMENT**

On July 23, 2008, Plaintiff Dean Alan Mydock filed a complaint against Defendant, the commissioner of social security, contending that he was improperly denied disability benefits. Six months later, the parties determined that the administrative record was incomplete and filed a stipulation requesting that the case be remanded to the commissioner for further consideration. 42 U.S.C. § 405(g). Upon remand, an administrative law judge determined that Plaintiff is disabled and awarded benefits.

On May 24, 2011, Defendant filed a motion asking the Court to enter a judgment now that proceedings have been completed. *See Shalala v. Schaefer*, 509 U.S. 292, 297 & n.1 (1993). The motion indicates that Defendant sought concurrence and that Plaintiff “indicated that he has no objection to the motion.”

Although it appears that it would be appropriate to enter a judgment at this time, *see id.*, Defendant’s motion will be denied without prejudice because it does not comply with Local Rule 7.1(a). Rule 7.1(a) requires that a party seek concurrence before filing a motion. If concurrence is obtained, “the parties or other persons involved may make the subject matter of the contemplated

motion or request a matter of record by stipulated order.” Thus, when the parties agree that a particular form of relief is appropriate, they should submit a stipulation and proposed order—in this case a judgment—rather than a motion. The stipulation should be signed by both parties and submitted through the CM/ECF utilities function in accordance with the Local Rules’ appendix regarding electronic filing. The stipulation and proposed judgment should be submitted as a single document.

Accordingly, it is **ORDERED** that Defendant’s motion for entry of judgment is **DENIED WITHOUT PREJUDICE**. The parties should submit a stipulation and proposed judgment in accordance with Local Rule 7.1(a).

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: May 31, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 31, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS