

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY L. MCDANIEL,

Plaintiff,

v.

Case No. 2:15-cv-12507

District Judge Paul D. Borman

Magistrate Judge Anthony P. Patti

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

ORDER STRIKING MOTION FOR SUMMARY JUDGMENT (DE 21) and
SETTING EXPEDITED BRIEFING SCHEDULE

Plaintiff, Terry L. McDaniel filed this complaint for judicial review of a social security decision on July 15, 2015. (DE 1.) Pursuant to this Court's January 5, 2016 scheduling order, Plaintiff's motion for summary judgment was originally due on January 19, 2016. (DE 15.)¹ Plaintiff filed a motion for extension of time, which this Court granted, providing Plaintiff until April 25, 2016 by which to file a motion for summary judgment and/or a response to Defendant's motion to dismiss. (DEs 17, 18.) On March 31, 2016, attorney Eva I. Guerra filed an appearance on Plaintiff's behalf. (DE 19.) Plaintiff's subsequent motion to extend was granted

¹ On February 11, 2016, the Commissioner filed a motion to dismiss for failure to prosecute. (DE 16.)

by the Court, permitting Plaintiff until May 25, 2016 by which to file a motion for summary judgment. (DE 20.)

Currently before the Court is Plaintiff's May 29, 2016 motion for summary judgment. (DE 21.)² However, the accompanying brief does not comply with the Undersigned's social security practice guidelines. By way of background, "[a] brief supporting a motion or response must, at the beginning, contain a concise statement of the issues presented and, on the following page, the controlling or most appropriate authority for the relief sought. The brief may contain a table of contents, an index of authorities, and an index of exhibits attached to the brief." E.D. Mich. LR 7.1(d)(2) ("Form of Required Briefs."). Relatedly, my social security practice guidelines provide:

Within the parties' briefs, the issues presented should be labeled as section headings, and should match the items listed on the "Issues Presented" page. Any issue addressed in the brief that is not both 1) included in Issues Presented and 2) labeled as a section heading within the brief, will not be considered by the Court.

See www.mied.uscourts.gov. Here, Plaintiff's statement of the issues lists four (4) questions, while her argument section is limited to one (1) assertion. (*Compare* DE 21 at 7-8, 21-33.) The Court will address this matter as follows:

- Plaintiff's motion for summary judgment (DE 21) shall be **STRICKEN** from the Court's docket as non-conforming.

² Plaintiff's same-day *ex parte* motion for leave to file Plaintiff's motion for summary judgment *instante* (DE 22) has been granted by the Court.

- No later than **AUGUST 29, 2016**, Plaintiff **SHALL** file a motion for summary judgment that conforms with E.D. Mich. LR 7.1 and my Practice Guidelines.
- The deadlines imposed in response to the Commissioner's motions to extend (DE 23, DE 24) are further **EXTENDED**. Defendant **SHALL** file its Response to Plaintiff's Motion together with a Cross Motion for Summary Judgment on or before **SEPTEMBER 29, 2016**; and Plaintiff may file a reply on or before **OCTOBER 10, 2016**.

IT IS SO ORDERED.

Dated: August 23, 2016

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on August 23, 2016, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti