

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**DONNIE WAYNE SHUMPERT**

**PLAINTIFF**

**V.**

**NO. 1:16CV00163-GHD-JMV**

**CAROLYN W. COLVIN,  
*ACTING COMMISSIONER OF SOCIAL SECURITY***

**DEFENDANT**

**ORDER**

Before the Court is Plaintiff's Motion for Judgment on the Pleadings [3], filed September 7, 2016. The undersigned finds the motion is premature. First, nothing in this case indicates the complaint has been served upon the defendant, and no answer has been filed. Indeed, there is nothing indicating the defendant has been served with a copy of the instant motion. It would be improvident for the Court to entertain the motion under these circumstances. Second, pursuant to the local rules of this Court, proceedings in Social Security cases proceed in accordance with the orders entered in these cases. *See* L.U.Civ.R. 81. This Court will enter an order setting a briefing schedule once the answer to the complaint and administrative record have been filed. Accordingly, the instant motion should not remain pending on the docket, and the same is hereby denied without prejudice.

**THIS**, the 12th day of September, 2016.

**/s/ Jane M. Virden**  
**U. S. MAGISTRATE JUDGE**