

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DANIEL T. BUCHOLTZ,

Petitioner,

v.

ORDER

02-C-487-C

JOANNE B. BARNHART,
Commissioner of Social Security,

Respondent.

On November 5, 2002, this court granted defendant Commissioner's motion for a thirty day extension of time to file an answer in this social security appeal. On December 9, 2002, Assistant United States Attorney Richard D. Humphrey filed a second motion for an extension because he still has not received the administrative record of proceedings or any other information he needs to answer the complaint. AUSA Humphrey reports that the problem appears to be the huge backlog of tapes of proceedings in need of transcription.

Understanding the nature and scope of the Commissioner's problems with tape transcriptions, nonetheless I am setting a firm deadline for action in this case. If the Commissioner cannot meet the new deadline, then I will remand this case for a new hearing.

ORDER

It is ORDERED that the Commissioner's request for an extension of time within which to file her answer is GRANTED. The Commissioner may have until January 31, 2003, within which to file and serve an answer. Failure to meet this deadline shall result in the remand of this case for a new administrative hearing.

Entered this 13th day of December, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge