

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

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ELEANOR CATHERINE CLIFFORD,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.  
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ORDER

11-cv-798-bbc

This case was remanded to the Social Security Administration in April 2012 after defendant Carolyn W. Colvin advised the court that the agency had been unable to locate the file for plaintiff Eleanor Catherine Clifford and it would be necessary for an administrative law judge to hold a de novo hearing and issue a new decision. On February 19, 2015, plaintiff moved the court to reopen her case and enter her motion for an order of judgment as a matter of law because defendant had not filed a copy of the new certified administrative record within the time limits set by the court. Dkt. #17. Defendant objected to the motion, pointing out that plaintiff had no ground on which to assert that the certified record was late because the Appeals Council had not set a deadline for the filing of the certified record. Dkt. #18.

On March 20, 2015, defendant filed her own motion to reopen the case, reinstate the case and set a briefing schedule. Dkt. #20. Plaintiff responded to that motion with her own

motion for an extension of time in which to file her brief in response. Dkt. #21. Magistrate Judge Stephen Crocker granted that motion on March 25, 2015.

To clear up the docket, I will deny plaintiff's motion to reopen the case and enter judgment in her favor. Plaintiff had no ground for claiming that defendant was in default for a late filing of the administrative record because defendant had not promised that it would be filed earlier than it was. I will also grant defendant's motion to reopen the case and set a briefing schedule on the question whether the administrative law judge was justified in denying plaintiff's application for disability. The magistrate judge gave plaintiff until April 24, 2015 in which to file her brief. Defendant may have until May 15, 2015 in which to respond and plaintiff may have until May 27, 2015 in which to file her reply brief.

#### ORDER

IT IS ORDERED that plaintiff Eleanor Catherine Clifford's motion to reopen this case and enter judgment in her favor, dkt. #17, is DENIED; defendant Carolyn W. Colvin's motion to reopen the case for the purpose of determining whether the administrative law judge was justified in denying plaintiff's application for disability benefits, dkt. #20, is GRANTED. Plaintiff's opening brief is due April 24, 2015, as ordered by the magistrate

judge; defendant's brief in opposition is to be filed no later than May 15, 2015; and plaintiff's brief in reply is due May 27, 2015.

Entered this 27th day of March, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge