

Sample Form 26

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

Plaintiff,

vs.

Case No

Defendant.

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SCHEDULING ORDER

This is an action seeking review of the determination of the Commissioner of the Social Security Administration. The case is at issue and, in accordance with the provisions of 42 U.S.C. § 405(g), the Commissioner has filed his Answer to the complaint which includes a certified copy of the transcript of the record before the agency. The correct style of the case number is: 8:\_\_\_\_\_. In deciding an action for judicial review under the Social Security Act, the Court can look no further than the pleadings and transcript of the record before the Agency. No de novo hearing is authorized. It is therefore,

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<sup>1</sup> William A. Halter became Acting Commissioner of Social Security on January 22, 2001. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, William A. Halter is substituted, therefore, for Commissioner Kenneth A. Apfel, as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

**ORDERED:**

1. That Plaintiff is hereby directed to submit a memorandum of law in support of the allegations of the complaint within sixty (60) days of the date of this Order.

2. That the Commissioner is hereby directed to submit a memorandum of law in support of his position within sixty (60) days of the serving of Plaintiff's memorandum.

3. The parties' legal memoranda must set forth the parties' respective contentions as to the issues presented and the grounds for the relief requested. The parties' contentions must be supported by specific reference to the pages of the records relied upon and by appropriate citations to legal authority supporting the parties' respective positions. The issues before the Court shall be deemed limited to those issues properly raised and supported by either party.

4. In the absence of consent to magistrate judge jurisdiction, a Report and Recommendation as to the disposition of the matter will be prepared by the magistrate judge for consideration by the district judge. In the event of consent to magistrate judge jurisdiction, then the magistrate judge will issue a final order.

5. Motion practice under Fed. R. Civ. P. 12(c) (judgment on the pleadings) or Fed. R. Civ. P. 56 (summary judgment) is not appropriate.

So Ordered.

**DONE AND ORDERED** in chambers at Tampa, Florida, this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

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ELIZABETH A. JENKINS  
UNITED STATES MAGISTRATE JUDGE