

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

RUSSELL FOUT,

Plaintiff,

v.

CIVIL ACTION NO. 1:07CV108

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

ORDER

On the 29th day of November, 2007, Defendant filed a Motion to Enlarge Time, requesting an additional thirty days, up to and including January 4, 2008, in which to file his answer. Defendant asserted in said motion that the administrative record of this matter had been received and was “unlegible [sic] and incomplete” and that the additional thirty days were required in order for Defendant to produce and submit an accurate record [Docket Entry 6].

After consideration of Defendant’s Motion to Enlarge Time, this Court entered an order granting said motion on November 30, 2007 [Docket Entry 7].

On December 3, 2007, Plaintiff filed a response to the Defendant’s Motion to Enlarge Time [Docket Entry 8]. In his response, Plaintiff argues that sixty days is sufficient time for Defendant to answer his complaint; that he is blameless in the Commissioner’s not providing a complete and legible record; and that the Commissioner should file answers in Social Security cases within thirty days, not sixty. The Court has considered the arguments of Plaintiff. Good cause exists for Defendant’s request for a thirty-day extension in which to file his answer; a thirty-day extension is not unreasonable; and the filing of Defendant’s answer and the administrative record on or before

January 4, 2007, will not alter the time frame in which the undersigned will produce the required Report and Recommendations to the District Judge. The decision is scheduled to be completed prior to March, 2009. It is imperative that a complete and useful record is produced in a Social Security appeal case; therefore, this Court's granting of the Commissioner's Motion to Enlarge Time will not be revisited or reversed.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel for Defendant and the *pro se* Plaintiff herein.

DATED: December 5, 2007.

/s/ John S. Kaull

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE