

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

ANGELIA LATRELL  
JOHNSON,

Plaintiff,

v.

Case No. 6:20-cv-1381-RBD-NPM

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

Before the Court are Defendant's Opposed Second Motion for Stay of Proceedings (Doc. 14) and Plaintiff's Response (Doc. 15 ). For a second time, Defendant requests this action be stayed in order to produce a certified transcript of the record and file an answer. Defendant includes the same or similar arguments from his previous motion. (Doc. 10, pp. 1-3). In sum, the pandemic has impacted the agency's operations and it has a backlog of actions awaiting certified transcripts. (*Id.*). In response, Plaintiff—who agreed to the prior stay—now opposes the requested additional stay. (Doc. 15). Plaintiff contends the delay coupled with Plaintiff's financial needs and no timetable by the Commissioner as to when the

transcript will be filed cause harm and argues the request for a second stay should be denied. (Doc. 15, pp. 1-4).

A court has broad discretion whether to stay a proceeding “as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706-707 (1997). The court must weigh the benefits of the stay against any harms of delay. *Id.* at 707. Here, the Commissioner has provided good cause to extend the deadline to file the certified transcript and answer. But the Court finds a second ninety-day extension would cause undue delay. After considering the circumstances, the Court will extend Defendant’s deadline to answer by forty-five days.

Accordingly, the Opposed Second Motion for Stay of Proceedings (Doc. 14) is **GRANTED in part**. The Court extends the deadline for Defendant to file a certified transcript and answer to **March 29, 2021**. No further extensions will be granted without a detailed and case-specific showing that the Commissioner made a diligent effort to comply with the Court’s deadline.

**DONE and ORDERED** in Fort Myers, Florida on February 10, 2021.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE