

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DIANSKY ROUZARD,

Plaintiff,

v.

Case No: 6:24-cv-585-CEM-LHP

COMMISSIONER OF SOCIAL
SECURITY,

Defendant

ORDER

Upon consideration of the Commissioner's Response to the Court's June 24, 2024 Order (Doc. No. 24), the Court declines to adopt the Commissioner's position regarding timeliness, given the plain language of the Supplemental Rules for Social Security. *See* Fed. R. Civ. P. Supp. Soc. Sec. R. 4(a), (c) (emphasis added) (requiring an answer or motion under Rule 12 "within 60 days *after notice of the action is given under Rule 3*"). Nonetheless, given the representations made in response (Doc. No. 24), and that the Amended Motion to Dismiss has now been filed (Doc. No. 27), the Court will accept the Commissioner's motion as timely in this case. Accordingly, the Order to Show Cause (Doc. No. 22) is hereby **DISCHARGED**. The motion to dismiss will be separately addressed when it becomes ripe for disposition.

DONE and ORDERED in Orlando, Florida on July 10, 2024.

Handwritten signature of Leslie Hoffman Price in blue ink.

LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties