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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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9 Dawn Michele Thompson,

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No. CV-12-714-PHX-LOA

10 Plaintiff,

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ORDER

11 vs.

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13 Carolyn W. Colvin, Commissioner of the
Social Security Administration,

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14 Defendant.

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16 This matter is before the Court on Defendant’s Motion for a Stay of Defendant’s
17 Response to Plaintiff’s Motion for Award of EAJA Attorney Fees in Light of United States
18 Government Cessation. (Doc. 25) Defendant explains that, as a result of the Government’s
19 shutdown, “Department of Justice Attorneys and employees of the federal Social Security
20 Administration are prohibited from working, even on a voluntary basis, ‘except for
21 emergencies involving the safety of human life or the protection of property.’” (*Id.* at 2)
22 (quoting 31 U.S.C. § 1342). Defendant, therefore, requests a stay of the deadline to respond
23 to Plaintiff’s Motion for Award of Attorney’s Fees, doc. 22. Plaintiff’s counsel has no
24 objection to the Motion.

25 The statute relied on by Defendant, 31 U.S.C. § 1342, states:

26 An officer or employee of the United States Government or of the District of
27 Columbia government may not accept voluntary services for either
government or employ personal services exceeding that authorized by law

1 except for emergencies involving the safety of human life or the protection of
2 property. This section does not apply to a corporation getting amounts to make
3 loans (except paid in capital amounts) without legal liability of the United
4 States Government. As used in this section, the term “emergencies involving
the safety of human life or the protection of property” does not include
ongoing, regular functions of government the suspension of which would not
imminently threaten the safety of human life or the protection of property.

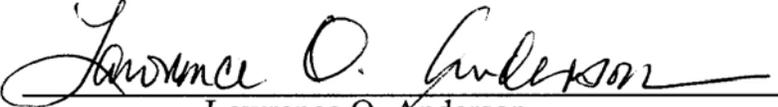
5 In light of the lack of funding resulting from the Government’s shutdown and the
6 prohibition of non-essential governmental employees from performing voluntary services,
7 and absent any opposition, Defendant’s Motion will be granted. Defendant will be ordered
8 to notify the Court when funding resumes, upon which the Court will lift the stay and extend
9 the normal response time by the number of days the shutdown was in effect.

10 Accordingly,

11 **IT IS ORDERED** that Defendant’s Motion for a Stay of Defendant’s Response to
12 Plaintiff’s Motion for Award of EAJA Attorney Fees in Light of United States Government
13 Cessation, doc. 25, is **GRANTED**. Defendant’s Response is hereby **STAYED** pending the
14 resumption of funding for the Department of Justice and the Social Security Administration.

15 **IT IS FURTHER ORDERED** that Defendant shall notify this Court when funding
16 for the two agencies resumes, upon which the Court will issue an order to lift the stay and
17 extend the normal response time by the number of days the shutdown was in effect.

18 DATED this 8th day of October, 2013.

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21 Lawrence O. Anderson
22 United States Magistrate Judge
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