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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA
 11 FRESNO DIVISION

12 MILDRED CARTER,

13 Plaintiff,

14 v.

15 MICHAEL J. ASTRUE,
 16 Acting Commissioner of
 17 Social Security,

18 Defendant.

CIVIL NO. 1:07-cv-00045-LJO-SMS

MOTION FOR EXTENSION OF TIME TO
 RESPOND TO PLAINTIFF'S APPLICATION
 FOR AWARD OF ATTORNEY'S FEES
 AND COSTS UNDER THE EQUAL
 ACCESS TO JUSTICE ACT [28 U.S.C. §
 2412(d)] AND

ORDER

19
 20
 21 Defendant, through his attorney undersigned, moves this Court for an Order granting Defendant
 22 an extension for an additional 15 days to respond to Plaintiff's motion for Award of Attorney's Fees and
 23 Costs under the Equal Access to Justice Act [28 U.S.C. § 2412(d)], up to and including January 20,
 24 2009. Defendant requests the extension due to his counsel's approved leave schedule. Counsel for
 25 Defendant, Special Assistant United States Attorney Amita B. Tracy, has been on approved leave and
 26 out of the office since December 22, 2008, and she will return to the office on January 5, 2009. The
 27 extension of time will permit the parties to meet and confer in an attempt to resolve the issue and, if not
 28

1 resolved, will permit the Defendant to prepare an adequate response. The current due date is January 5,
2 2009. The new due date will be January 20, 2009.

3 In an email dated December 19, 2008, sent at 6:17 p.m., Plaintiff's Counsel indicated that he
4 would not oppose an extension through and until January 20, 2009. Plaintiff's Counsel has since been
5 out of the office and will not return until January 5, 2009, which is why this motion could not be
6 submitted as a stipulation.

7 Respectfully submitted,

8
9 Dated: December 30, 2008

10 MCGREGOR W. SCOTT
11 United States Attorney
12 LUCILLE GONZALES MEIS
13 Regional Chief Counsel, Region IX
14 Social Security Administration

15 By:

16 */s/ Michael A. Cabotaje for Amita Baman Tracy**

17
18 Amita Baman Tracy
19 Special Assistant U.S. Attorney
20 Attorneys for Defendant
21 [*as authorized by telephone on December 30, 2008]

22
23 **ORDER**

24 APPROVED.

25 IT IS SO ORDERED.

26 Dated: January 8, 2009

27 /s/ Sandra M. Snyder
28 UNITED STATES MAGISTRATE JUDGE