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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

11 **FRESNO DIVISION**

12 NANG N. RATMYSENG,

13 Plaintiff,

14 v.

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

17 Defendant.

Case No. 1:07-cv-01742 SMS (SS)

**STIPULATION AND ORDER TO  
EXTEND TIME**

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 19 The parties hereby stipulate by counsel, with the Court's approval as indicated by issuance of the  
 20 attached Order, that Defendant shall have an extension of time of 18 days to respond to Plaintiff's  
 21 Opening Brief up to and including September 18, 2009. This extension is necessary due to the heavy  
 22 work load of the undersigned counsel for the Commissioner. For the months of July and August, she has  
 23 been responsible for filing documents in at least 35 district court cases and an appellate case. Further,  
 24 she has the responsibility to assist the United States Department of Justice in drafting a recommendation  
 25 to the Solicitor General for a writ of certiorari in Vasquez v. Astrue, 547 F.3d 1101 (9th Cir. 2008) after  
 26 the July 9, 2009, decision of the Ninth Circuit declining en banc review. This task has been and  
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1 continues to be unpredictable. Due to this schedule, counsel for the Commissioner did not complete the  
2 brief within the original schedule and requests an additional 18 days in which to do so.

3 The parties submit that, if permission for voluntary remand cannot be secured, this matter will  
4 proceed in accordance with the original scheduling order.

5 Respectfully submitted,

6 */s/Ann M. Cerney*

7 Dated: September 8, 2009

8 ANN M. CERNEY  
(as authorized via telephone 9/8/09)  
Attorney at Law

9 Attorney for Plaintiff

10  
11 Dated: September 8, 2009

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14 By:

15 */s/ Elizabeth Firer*

16 ELIZABETH FIRER  
Special Assistant U.S. Attorney

17 Attorneys for Defendant

18  
19  
20 IT IS SO ORDERED.

21 Dated: September 10, 2009

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE