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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 **FRESNO DIVISION**

12 CARLOTTA OGUNDIMO,)
)
 13 Plaintiff,)
)
 14 v.)
)
 15 MICHAEL J. ASTRUE,)
 Acting Commissioner of)
 16 Social Security,)
)
 17 Defendant.)
 _____)

CIVIL NO. 1:09-CV-00230 GSA

EX PARTE APPLICATION FOR LEAVE TO
FILE LATE BRIEF

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19 TO THE HONORABLE GARY S. AUSTIN, UNITED STATES MAGISTRATE JUDGE:

20 Defendant, Commissioner of Social Security, files this application to file his responsive brief
 21 late, concurrent with this application. Following an extension granted on February 17, 2010 in the wake
 22 of the undersigned counsel's personal difficulties related to a robbery, the Commissioner's response was
 23 due March 2, 2010. The undersigned counsel was unable to complete the brief within that time frame.
 24 This was due to an unanticipated work obligations regarding defective transcripts in other cases, which

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1 had to be addressed immediately. Counsel should have sought a second extension and apologizes for the
2 oversight. In the interests of moving this case forward without further delay, she seeks to file the
3 Commissioner's brief late rather than seek an extension that would have to be effective nunc pro tunc.
4 Counsel respectfully requests that this application be granted.

5 Dated: March 5, 2010

Respectfully submitted,

6 BENJAMIN WAGNER
7 United States Attorney
8 LUCILLE GONZALES MEIS
9 Regional Chief Counsel, Region IX
10 Social Security Administration

11 By:

/s/ Elizabeth Firer

12 _____
13 ELIZABETH FIRER
14 Special Assistant U.S. Attorney

Attorneys for Defendant

15 **ORDER**

16
17 IT IS SO ORDERED.

18 Dated: March 5, 2010

/s/ Gary S. Austin
19 UNITED STATES MAGISTRATE JUDGE