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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

SHOUA XIONG,

CASE NO. 1:09-cv-00928-SKO

Plaintiff,

ORDER GRANTING REQUEST FOR  
EXTENSION OF TIME FOR DEFENDANT TO  
FILE RESPONSIVE BRIEF

v.

MICHAEL ASTRUE,  
Commissioner of Social Security,

Defendant.

\_\_\_\_\_ /  
The complaint in this case was filed on May 22, 2009. The Administrative Record was filed on October 20, 2009. Plaintiff's opening brief was due on January 25, 2010. Plaintiff failed to timely file an opening brief. On February 17, 2010, the Court issued an Order to Show Cause ("OSC") why the action should not be dismissed for failure to comply with the Court's orders. Plaintiff was ordered to file a written response to the OSC within twenty (20) days of the date of the Order.

Plaintiff's counsel responded to the OSC stating that she had failed to send a "confidential voluntary remand brief" to Defendant's counsel, but had done so following the Court's OSC. Plaintiff filed a stipulation for an extension of time to enable Defendant's counsel to review Plaintiff's letter brief and to respond to it. The parties also stipulated that Plaintiff's opening brief would be due on April 7, 2010. The Court granted the request for an extension of time on March

1 1, 2010.

2 April 7, 2010, arrived and passed, but Plaintiff again failed to file an opening brief. Finally,  
3 on April 13, 2010, the parties filed a stipulation and proposed order for another extension of time.  
4 Plaintiff's counsel stated that, "[d]ue to the press of business," she had been unable to fully research  
5 the issues presented and prepare the opening brief. The parties agreed that Plaintiff's opening brief  
6 would be due May 7, 2010, and Defendant's responsive brief would be due June 7, 2010. Before the  
7 Court considered Plaintiff's requested extension, Plaintiff's counsel filed the opening brief on April  
8 15, 2010, without first obtaining leave to do so. On May 18, 2010, Defendant filed a request for an  
9 extension of time until June 18, 2010 to file his responsive brief. Defendant's counsel asserts that  
10 he needs more time to review the matter.

11 In sum, Plaintiff's brief was filed nearly ninety (90) days after the date the Court initially  
12 ordered it filed. As it stands today, Defendant has had more than thirty (30) days to file a responsive  
13 brief. By June 18, 2010, Defendant will have had more than sixty (60) days to review the opening  
14 brief and prepare a responsive brief. While Defendant's request for an extension is not untimely,  
15 the Court is troubled by counsel's failure to file documents in a timely manner. The parties are  
16 informed that the era of continuances has ended. Defendant's response brief shall be filed on or  
17 before June 18, 2010, and the Court will not entertain any further requests for extensions of time  
18 without good cause stated.

19  
20 IT IS SO ORDERED.

21 **Dated:** May 28, 2010

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE