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8 Attorneys for Defendant

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

12 CLIFFORD EDWARDS,)
)
 13 Plaintiff,)
)
 14 v.)
)
 15 MICHAEL J. ASTRUE,)
 Commissioner of)
 16 Social Security,)
)
 17 Defendant.)
 18 _____)

CIVIL NO. 1:09-CV-01002 DLB

MOTION FOR EXTENSION OF TIME AND ORDER

19 Defendant, through his undersigned attorney, moves for a FIRST extension of time of 37 days,
 20 up to and including May 14, 2010, in which to respond to Plaintiff's opening brief. The undersigned
 21 attorney for the Commissioner originally miscalendared the brief due date for April 19, 2010. Even with
 22 that mistake, she was unable to complete the brief, and, on April 20, 2010, via email, Plaintiff's attorney
 23 agreed to an extension until April 23, 2010. However, the Commissioner's attorney was unable to
 24 complete the brief by April 23, 2010. This is due to the fact that she has unexpectedly missed work due
 25 to illness and is also going to be out of the office from April 26 until May 10, 2010 and has thus had to
 26 complete a substantial amount of work prior to her departure including briefs that had previously been
 27 extended. The Commissioner's attorney emailed Plaintiff's counsel with her updated extension request
 28 late on Thursday, April 22, 2010, and called counsel's office on Friday, April 23, 2010, but Plaintiff's

1 counsel's office closes early on Fridays. Thus, the parties have not been able to contact each other in
2 regard to the updated extension request and the Commissioner's attorney was unable to file a stipulation.

3 The undersigned apologizes for any inconvenience and respectfully requests an extension of time
4 until May 14, 2010 in which to file the Commissioner's response to Plaintiff's opening brief.

5 Respectfully submitted,

6 Dated: April 23, 2010

BENJAMIN B. WAGNER
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX
Social Security Administration

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10 /s/ Elizabeth Firer
ELIZABETH FIRER
Special Assistant U.S. Attorney

11 Attorneys for Defendant

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13 IT IS SO ORDERED.

14 Dated: May 6, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE