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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN L. RANDALL,

CASE NO. 1:09-cv-1439

Plaintiff,

ORDER GRANTING PLAINTIFF'S REQUEST
FOR LEAVE TO FILE LATE BRIEF *NUNC
PRO TUNC*

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Docket Nos. 16, 19

Defendant.

_____/

Plaintiff's reply brief in this matter was to be filed on or before May 24, 2010. Plaintiff did not file his brief until May 26, 2010. Contemporaneously with his reply brief, Plaintiff filed a request for leave to file the brief after the deadline. Plaintiff's filing was directed to Magistrate Judge Gary S. Austin. Plaintiff requests leave to file his "opening brief late." On May 27, 2010, the Court Clerk's office docketed a Notice requiring that a proposed order be sent to Magistrate Judge Sheila K. Oberto with regard to Plaintiff's request to file his brief beyond the deadline, as this case was reassigned to Judge Oberto on April 7, 2010. The order of reassignment of the case to Judge Oberto is Docket No. 13.

On June 2, 2010, Plaintiff's counsel re-filed his request for leave to file a brief beyond the deadline. Once again, Plaintiff requests to file his "opening brief late." Plaintiff's opening brief was filed on April 8, 2010. Defendant's response was filed on May 7, 2010. The Court presumes that

1 Plaintiff is actually requesting to file his **reply** brief past the deadline. The Court encourages and
2 expects counsel to review the docket and the substance of any documents he files, as this assists the
3 Court in undertaking its review of the matter.

4 Accordingly, IT IS SO ORDERED that Plaintiff's motion to file a reply brief past the
5 deadline is GRANTED *nunc pro tunc*, and plaintiff's reply shall be deemed filed.

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7 IT IS SO ORDERED.

8 **Dated: June 8, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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