

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SOMKHITH CHANTHAVONG,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of)
Social Security,)
)
Defendant.)
_____)

CIVIL NO. 1:09-cv-1561 SKO

**ORDER GRANTING EXTENSION OF
TIME FOR DEFENDANT TO FILE
RESPONSE TO PLAINTIFF’S
APPLICATION FOR FEES PURSUANT
TO EAJA**

On July 25, 2011, the Commissioner filed a motion for a 14-day extension of time, until August 8, 2011, to allow for a response to be filed opposing Plaintiff’s Application for Attorneys Fees Pursuant to the Equal Access to Justice Act (“EAJA”).¹ The Commissioner indicated that additional time is needed in order to respond to Plaintiff’s arguments. The Commissioner further stated that on July 25, 2011, Plaintiff’s attorney expressed that she had no objection to this extension request.

This request is GRANTED, and the briefing scheduling for fees pursuant to EAJA is modified as follows:

1. Commissioner’s opposition shall be **filed on or before August 8, 2011**; and
2. Plaintiff may file a reply brief **on or before August 26, 2011**.²

IT IS SO ORDERED.

Dated: July 26, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

¹ Local Rule 144(d) controls the time for requesting extensions and states that “Counsel shall seek to obtain a necessary extension. . . as soon as the need for an extension becomes apparent. Requests for Court-approved extensions brought on the required filing date for the pleading or other document are looked upon with disfavor.” The Court notes that the Commissioner requested this extension on the day before the filing was due (taking into account the application of the Federal Rules of Civil Procedure 6(a)(1)(C), 6(a)(6)(A), and 6(d)). While the Court will grant the extension, Counsel is advised to strive to adhere to Local Rule 144 and request an extension when the need becomes apparent and not when the filing is essentially due.

² These dates reflect application of the Federal Rules of Civil Procedure 6(a)(1)(C), 6(a)(6)(A), and 6(d); no additional days are to be added pursuant to Rule 6.