IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYLENA ROGERS, Plaintiff, v. MICHAEL J. ASTRUE, Commissioner of Social Security Defendant.	CASE NO. 1:09-cv-01972-JLT ORDER GRANTING IN PART AND DENYING IN PART EXTENSION OF TIME TO FILE OPENING BRIEF (Doc. 15)

On June 2, 2010, the Court granted the parties' stipulation to extend time for Plaintiff to file her opening brief. (Doc. 13) The request was based upon Plaintiff's counsel's having been out of town for two weeks and needing time to review and to draft the brief. (Id. at 1.) The Court granted the request and extended the filing date to July 1, 2010. (Id.) However, the Court warned, "Counsel are reminded that requests for modification of the briefing schedule will not be granted routinely. According to the Scheduling Order, with the exception of a single, 30-day extension related to any portion of the Order, requests to modify must be made by written motion and will be granted only upon a showing of good cause shown." (Doc. 14 at 1)

Currently before the Court is a new request to extend time by 45 days for Plaintiff to file her opening brief. (Doc. 15) Plaintiff's counsel makes the request "due to workload demands and Plaintiff's attorney's scheduling conflict." (Id.) Counsel fails to outline any of the work currently being done that

makes it necessary to receive an extension, what counsel's "scheduling conflict" is or how these were circumstances that were unanticipated when the last request for modification of the Scheduling Order was made. Moreover, counsel fails to offer any authority or analysis why these circumstances constitute good cause to modify the Scheduling Order again. Therefore, the Court finds that good cause has not been shown.

However, to avoid significant prejudice to Plaintiff caused by her counsel, the Court will grant an extension of time to file the opening brief to July 26, 2010. Defendant's responsive brief will be filed and served within 30 days thereafter.

IT IS SO ORDERED.

Dated: **July 2, 2010**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE