

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

KYLER THURMAN, by and through his  
Guardian ad Litem, Taneshia Madkins, ) 1:09-cv-02235 GSA  
Plaintiff, ) ORDER VACATING ORDER TO SHOW  
v. ) CAUSE  
MICHAEL J. ASTRUE, Commissioner of ) (Document 14)  
Social Security, )  
Defendant. )

On December 22, 2009, Plaintiff filed the present action for judicial review of the denial of Social Security benefits. On August 17, 2010, the Court issued an order to show cause why sanctions should not be imposed for Plaintiff's failure to file an opening brief on or before August 16, 2010.

On August 18, 2010, the parties filed a Stipulation to Extend Briefing Schedule.<sup>1</sup> It

<sup>1</sup>The parties did not provide the Court with a proposed order pursuant to Local Rule 137(b) (“In addition to filing the proposed order electronically in .pdf format, the proposing person must also submit by email a separate proposed order in Word or Word Perfect format to the appropriate Judge or Magistrate Judge’s email box . . .”).

1 appears that a “communication error” caused a delay in response to Plaintiff’s confidential letter  
2 brief of June 11, 2010; the response by Defendant was provided August 17, 2010, the same date  
3 this Court issued its order to show cause. Therefore, the parties seek an extension the remaining  
4 relevant deadlines. (Doc. 15.)

5 Based on the foregoing, it appears that Plaintiff’s failure to file an opening brief is  
6 excused. Accordingly, the order to show cause is hereby DISCHARGED. The following  
7 deadlines are HEREBY imposed:

8 (1) Plaintiff’s opening brief shall be filed on or before September 16, 2010;  
9 (2) Defendant’s opposition shall be filed on or before October 18, 2010; and  
10 (3) Plaintiff’s reply, if any, shall be filed on or before November 2, 2010.

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12 IT IS SO ORDERED.

13 Dated: August 19, 2010

14 /s/ Gary S. Austin  
15 UNITED STATES MAGISTRATE JUDGE  
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