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

JULIO GARCIA,  
Plaintiff,  
v.  
MICHAEL J. ASTRUE,  
Commissioner of  
Social Security,  
Defendant.

CASE NO. 1:10-cv-00542 SKO  
STIPULATION AND ORDER

The parties hereby stipulate by counsel, with the Court’s approval as indicated by issuance of the attached Order, that Respondent shall have an extension of time of 30 days in which to respond to Plaintiff’s Application for Attorney’s Fees. This is Defendant’s first request for an extension to respond to Plaintiff’s Application for Attorney’s Fees. There is good cause for this extension because Assigned Special Assistant United States Attorney has a heavy case load due to the departures of numerous senior attorneys from Defendant's Office of Regional Chief Counsel. This has required a significant amount of the office's resources to train newly hired attorneys as well as substantial increases in workload office-wide, including the reassignment of over 250 district court cases and approximately 20 appellate cases. With a thirty day extension, Defendant’s Response to Plaintiff’s Application for Attorney’s Fees will be filed with the Court on January 30, 2012.

The parties further stipulate that the Court's Scheduling Order shall be modified accordingly.

Dated: December 29, 2011

Respectfully submitted,  
/s/ Sengthiene Bosavanth  
(via e-mail authorization on 12/21/2011)  
SENGTHIENE BOSAVANTHE  
Attorney for Appellant

Respectfully submitted,

Dated: December 29, 2011

BENJAMIN B. WAGNER  
United States Attorney  
DONNA L. CALVERT  
Regional Chief Counsel, Region IX  
Social Security Administration

/s/ Roya Massoumi  
ROYA MASSOUMI  
Special Assistant United States Attorney

Attorneys for Respondent

ORDER

It is HEREBY ORDERED that:

1. The parties' stipulated request that the Commissioner be permitted an extension of time to file a brief in opposition to Plaintiff's EAJA application is GRANTED;
2. The Commissioner's opposition brief shall be filed **on or before January 30, 2012**;
3. Plaintiff may file a reply brief **on or before February 14, 2012**;
4. Any supplemental requests for EAJA fees shall be included in the reply brief;
5. The Commissioner may file an optional sur-reply **on or before February 29, 2012**, responding to any supplemental request for EAJA fees contained in the reply brief; and
6. No further briefing will be permitted absent leave of court.

IT IS SO ORDERED.

Dated: January 3, 2012

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE