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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID L. JACKSON,

Plaintiff,

v.
MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

) 1:10-cv-00558 GSA
)
) **ORDER DISCHARGING ORDER TO**
) **SHOW CAUSE**
)
) **ORDER GRANTING PARTIES' JOINT**
) **REQUEST FOR AN EXTENSION OF**
) **TIME**

On March 30, 2010, Plaintiff filed the present action for judicial review of the denial of Social Security benefits. On November 29, 2010, the Court issued an order to show cause why sanctions should not be imposed for Plaintiff's failure to file an opening brief by November 23, 2010.

On December 2, 2010, the parties filed a joint response to the order to show cause. The parties explained that Plaintiff had forwarded his letter brief on September 27, 2010, pursuant to the scheduling order, however, Defendant apparently did not receive the correspondence and thus did not timely respond. Defendant has now responded to Plaintiff's letter brief, and the parties

1 ask this Court to permit an extension of thirty days beyond the date called for in the scheduling
2 order within which they may file their briefs with this Court. Lastly, counsel for Defendant
3 apologized for his oversight.

4 Based on the foregoing, it appears that Plaintiff's failure to file an opening brief was
5 inadvertent and excusable. Accordingly, the order to show cause is hereby DISCHARGED. The
6 parties' joint request for an extension of time is GRANTED as follows:

- 7 1. Plaintiff shall file his opening brief no later than January 3, 2011;
- 8 2. Defendant shall file its opposition thereto no later than February 2, 2011; and
- 9 3. All other deadlines outlined in this Court's scheduling order dated March 31,
10 2010, remain in effect.

11
12 IT IS SO ORDERED.

13 **Dated: December 3, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE