(SS) Jackson	n v. Commissioner of Social Security	
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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10	DAVID L. JACKSON,	) 1:10-cv-00558 GSA
11	DAVID L. JACKSON,	) )
12	Plaintiff,	ORDER GRANTING STIPULATION OF
13	V.	) JANUARY 4, 2011, IN PART
14	MICHAEL J. ASTRUE, Commissioner of Social Security,	
15	Social Security,	
16	Defendant.	
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19	On March 31, 2010, this Court issued a Scheduling Order in this matter. In part, the	
20	Order provided that Plaintiff or Appellant David Jackson was to file and serve an opening brief	
21	within thirty (30) days of Defendant or Respondent's refusal to stipulate to a remand of the	
22	matter. (Doc. 6, ¶ 6.) In this case, following a November 29, 2010, Order to Show Cause that	
23	was eventually vacated, eventually Plaintiff's opening brief became due to be filed and served on	
24	or before January 3, 2011. (See Docs. 12 & 14.)	
25	Plaintiff did not file an opening brief on January 3, 2011. Rather, on January 4, 2011, one	
26	day after the deadline, the parties filed a Stipulation requesting that the deadline for Plaintiff's	
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opening brief be extended to February 2, 2011. The parties did not address the tardiness of their 1 2 request or otherwise explain their delay. (Doc. 15.) 3 The parties are directed to Local Rule 144, which provides, in pertinent part: 4 (d) Time for Requesting Extensions. Counsel shall seek to obtain a necessary extension from the Court or from other counsel or parties in an action as 5 soon as the need for an extension becomes apparent. Requests for Courtapproved extensions brought on the required filing date for the pleading or other document are looked upon with disfavor. 6 7 The Court is concerned with the growing number of stipulations submitted by Plaintiff's 8 attorney to extend time that are filed after the related deadlines, and is particularly troubled given an order to show cause has been previously issued in this case. Most troubling is that Plaintiff 10 has failed to again, address the tardiness of the request. In the future, this Court will consider 11 sanctioning any counsel who continue or persist in presenting stipulations or requests for an extension of time in this manner. 12 13 Here, the Court has considered the Stipulation filed January 4, 2011, and GRANTS it IN 14 **PART** as follows: 15 1. Plaintiff shall file opening brief no later than **January 18, 2011**; 2. 16 Thereafter, the remaining deadlines and due dates referenced in the Scheduling 17 Order dated March 31, 2010 (see Doc. 7, ¶¶ 7-8), will remain in effect. 18 IT IS SO ORDERED. /s/ **Gary S. Austin**UNITED STATES MAGISTRATE JUDGE 19 Dated: January 5, 2011 20 21 22 23 24 25 26 27 28 2