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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CLIFFORD ALAN SWORTFIGUER,)
 Plaintiff,)
 v.)
 MICHAEL J. ASTRUE, Commissioner of)
 Social Security,)
 Defendant.)

1:10-cv-01835 GSA

**ORDER REGARDING THE PARTIES’
 STIPULATION FILED JUNE 14, 2011**

Plaintiff Clifford Alan Swortfiguer filed this action on October 1, 2010, challenging a denial of Social Security benefits. (Doc. 1.)

On June 14, 2011, Plaintiff filed a Notice of Stipulation Extending Plaintiff’s Time to Serve the Confidential Letter Brief on Defendant. (Doc. 15.) In order to ensure clarity with regard to the deadlines now applicable to this action, this Court addresses the contents of the stipulation.

The stipulation contains a typographical error, to wit: “. . . is extended from May 26, 2011, to *June July 27, 2011* . . .” (Doc. 15 at 1, emphasis added.) Because the stipulation expressly references paragraph twelve of this Court’s scheduling order wherein the parties are

1 permitted a single thirty day extension without Court approval, the Court will indeed permit a
2 thirty day extension of time within which Plaintiff may serve a confidential letter brief to
3 Defendant. However, this Court calculates the deadline regarding the service of a confidential
4 letter brief as follows:

5 Previous Deadline of May 29, 2011
6 (AR lodged 4/29/11 + 30 days = 5/29/11)

7 New Deadline of **June 28, 2011**
8 (5/29/11 + 30 days = 6/28/11)

9 Relatedly, and in light of the extension, Defendant shall then have to and including August 2,
10 2011 (6/28/11 + 30 days = 8/2/11) within which to respond to the letter brief. In the event the
11 matter is not remanded pursuant to the agreement of the parties, Plaintiff's opening brief must be
12 filed with this Court no later than September 1, 2011 (8/2/11 + 30 days = 9/1/11).

13 Finally, the parties are advised that the stipulation should have been filed on or before
14 May 29, 2011. *See* Local Rule 144(d).

15 IT IS SO ORDERED.

16 **Dated: June 15, 2011**

17 /s/ Gary S. Austin
18 UNITED STATES MAGISTRATE JUDGE
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