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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

CLIFFORD ALAN SWORTFIGUER,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner,

Defendant.

) 1:10-cv1835 GSA

) ORDER DISCHARGING
) ORDER TO SHOW CAUSE
) (Document 17)

) ORDER GRANTING PLAINTIFF'S
) REQUEST FOR EXTENSION OF TIME TO
) FILE AN OPENING BRIEF UNTIL
) SEPTEMBER 27, 2011

On October 1, 2010, Plaintiff filed the present action for judicial review of the denial of his Social Security benefits. On September 7, 2011, the Court issued an order to show cause why sanctions should not be imposed for Plaintiff's failure to file an opening brief by **September 1, 2011**. (Doc. 9).

On September 27, 2011, Plaintiff filed a response to the order to show cause and requested an extension until September 27, 2011, to file his opening brief. In the response, Plaintiff's counsel explained that she missed the filing deadline because it was not properly calendared. Plaintiff has represented that Defendant's counsel does not oppose the request.

Based on the foregoing, it appears that Plaintiff's failure to file an opening brief was inadvertent. Accordingly, the order to show cause is hereby DISCHARGED. Plaintiff's request for

1 an extension of time is GRANTED nunc pro tunc. All other deadlines outlined in this Court's
2 scheduling order dated October 5, 2010, remain in effect. (Doc. 5).

3 IT IS SO ORDERED.

4 **Dated: September 30, 2011**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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