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

KENNETH JOSEPH BORRELLI,	)	1:10-cv-02396-SKO
	)	
Plaintiff,	)	<b>ORDER GRANTING DEFENDANT'S</b>
	)	<b>REQUEST FOR AN EXTENSION OF</b>
v.	)	<b>TIME</b>
	)	(Doc. 17)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
_____	)	

On December 27, 2011, the parties filed a stipulated request that Defendant be granted a 30-day extension of time to file an opposition brief. (Doc. 17.) The Court has previously granted Plaintiff two extensions of time to serve the confidential letter brief and file the opening brief. On June 24, 2011, Plaintiff was granted a 45-day extension of time to serve a confidential letter brief. (Doc. 11.) On October 6, 2011, Plaintiff was granted an additional 45-day extension of time to file an opening brief. (Doc. 14.) In the October 6, 2011, order, the Court informed the parties that "no further extensions of time [would] be granted in this case absent truly good cause set forth by declaration or affidavit." (Doc. 14, 2:1-2.)

Here, the Commissioner asserts that the extension is sought because there was an "unavoidable transfer of assignments from other attorneys. While workload concerns do not

1 generally constitute "truly good cause" to modify the scheduling order, Plaintiff has been granted two  
2 somewhat lengthy extensions of time, and fairness dictates that the Commissioner also be afforded  
3 an extension of time.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Commissioner's opposition brief shall be filed on or before January 30, 2012;
- 6 2. Plaintiff may file an optional reply brief on or before February 14, 2012; and
- 7 3. Any further requests for extensions of time will be viewed with disfavor.

8  
9 IT IS SO ORDERED.

10 **Dated:** January 3, 2012

11 /s/ Sheila K. Oberto  
12 UNITED STATES MAGISTRATE JUDGE