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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 TERRY CERVANTES,) Case No.: 1:13-cv-00431 - JLT
11 Plaintiff,)
12 v.) ORDER GRANTING SECOND EXTENSION OF
13 COMMISSIONER OF SOCIAL SECURITY,) TIME
14 Defendant.) (Doc. 16)
15)

16 On March 11, 2014, the parties filed a stipulation for Defendant to have an extension of thirty
17 days to file a response to Plaintiff's opening brief. (Doc. 19.) Importantly, the scheduling order in this
18 action allows for "a *single* thirty (30) day extension" by stipulation of the parties. (Doc. 11 at 4,
19 emphasis added.) This extension was used by the plaintiff on January 2, 2014. (Docs. 15-16.) Beyond
20 the single thirty-day extension, "requests to modify [the scheduling] order must be made by written
21 motion and will be granted only for good cause." (Doc. 11 at 4.) Therefore, the Court construes the
22 stipulation of the parties to be a motion by Defendant for modification of the Court's Scheduling Order.

23 A scheduling order "is not a frivolous piece of paper, idly entered, which can be cavalierly
24 disregarded without peril." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992).
25 The deadlines are considered "firm, real and are to be taken seriously by parties and their counsel."
26 *Shore v. Brown*, 74 Fed. R. Serv. 3d (Callaghan) 1260, 2009 U.S. Dist. LEXIS 94828 at *7 (E.D. Cal.
27 Oct. 9, 2009). Here, Defendant's counsel asserts a second extension is necessary "to consider the
28 pleadings and transcript of record to prepare a response on behalf of the Commissioner... or in the

1 alternate, complete settlement.” (Doc. 19 at 2.) Because Plaintiff does not oppose the request, the
2 Court will grant the request for a second extension of time.

3 Accordingly, **IT IS HEREBY ORDERED:**

- 4 1. Defendant’s request for an extension of time is **GRANTED**; and
- 5 2. Defendant **SHALL** file a response to Plaintiff’s opening brief, or a notice of settlement,
6 no later than **April 9, 2014**.

7
8 IT IS SO ORDERED.

9 Dated: **March 12, 2014**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE