UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

MARCUS ANTHONY LOPEZ,) Case No.: 1:14-cv-00495- JLT
Plaintiff, v.) ORDER GRANTING PLAINTIFF'S SECOND EXTENSION OF TIME
COMMISSIONER OF SOCIAL SECURITY,) (Doc. 19)
Defendant.))

On December 26, 2014, the parties filed a stipulation for Plaintiff Marcus Lopez to have an extension of thirty days to his opening brief. (Doc. 19.) Importantly, the scheduling order in this action allows for "a *single* thirty (30) day extension" by stipulation of the parties. (Doc. 9 at 4, emphasis added.) This extension was used previously by Plaintiff, who requested an extension of time on November 24, 2014. (Docs. 17-18.) Beyond the single thirty-day extension, "requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause." (Doc. 5 at 4.) Therefore, the Court construes the stipulation of the parties to be a motion by Plaintiff for modification of the Court's Scheduling Order.

A scheduling order "is not a frivolous piece of paper, idly entered, which can be cavalierly disregarded without peril." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992). The deadlines are considered "firm, real and are to be taken seriously by parties and their counsel." *Shore v. Brown*, 74 Fed. R. Serv. 3d (Callaghan) 1260, 2009 U.S. Dist. LEXIS 94828 at *7 (E.D. Cal.

Oct. 9, 2009). Here, Plaintiff's counsel requests the extension, reporting she recently suffered from "prolonged health problems that caused a backlog in her workload." (Doc. 19 at 1.) Defendant does not oppose the request for an extension. (See id at 2). Accordingly, IT IS HEREBY ORDERED: Plaintiff's request for an extension of time is **GRANTED**; and 1. 2. Plaintiff SHALL file an opening brief no later than January 28, 2015. IT IS SO ORDERED. Dated: **December 30, 2014** /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE