

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JOSEPH GRIFFIN,)	Case No.: 1:14-cv-00933- JLT
)	
Plaintiff,)	ORDER DENYING DEFENDANT’S THIRD
)	REQUEST FOR AN EXTENSION OF TIME
v.)	
)	(Doc. 14)
CAROLY W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

On April 15, 2015, Defendant filed a request for an extension of time to respond to Plaintiff’s opening brief. (Doc. 14.) The Scheduling Order permits a single thirty-day extension by the stipulation of parties. (Doc. 3 at 4). Any further requests for an extension must be made via a motion by the party seeking to amend the briefing schedule, and supported by good cause. (*Id.*) Because the parties previously stipulated for an extension of time in this action (Doc. 7), the Court construes the stipulation filed to be a motion by Defendant to amend the Scheduling Order.

Defendant’s counsel requests the extension “because she is continuing to consider settling this matter without further action of the Court.” (Doc. 14 at 1.) Significantly, the Court previously granted a thirty-day extension for Defendant to consider settlement on March 5, 2015 (Doc. 12), and granted a second extension of fourteen days for the same purpose on April 6, 2015. (Doc. 13.) Despite the fact that the Scheduling Order cautioned the parties that requests for modification of “th[e]

1 briefing schedule will not routinely be granted” (Doc. 3 at 4), Defendant failed to comply with the
2 Schedule.

3 Moreover, the purpose of the confidential letter brief—which Plaintiff served no later than
4 December 17, 2014—was for Defendant to be aware of “the relevant issues” in the action and the
5 reasons Plaintiff “contends that a remand is warranted.” (See Doc. 3 at 2; Doc. 10.) Therefore,
6 Defendant should have been considering the possibility of remand and settlement prior to the filing of
7 Plaintiff’s opening brief in the action. Defendant’s counsel fails to demonstrate good cause to further
8 continue the briefing schedule in this action.

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

- 10 1. Defendant’s third request for an extension of time is (Doc. 14) is **DENIED**; and
- 11 2. Defendant **SHALL** serve a response to the opening brief no later than **April 24, 2015**.

12
13 IT IS SO ORDERED.

14 Dated: April 16, 2015

/s/ Jennifer L. Thurston
15 UNITED STATES MAGISTRATE JUDGE