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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

APRIL TAYLOR,	)	Case No.: 1:14-cv-01033 - JLT
	)	
Plaintiff,	)	ORDER DISCHARGING THE ORDER TO SHOW
	)	CAUSE DATED MAY 7, 2015
v.	)	
	)	
CAROLYN COLVIN,	)	ORDER GRANTING PLAINTIFF AN
Acting Commissioner of Social Security,	)	EXTENSION OF TIME TO FILE AN OPENING
	)	BRIEF
Defendant.	)	

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On March 18, 2015, Plaintiff filed a request for an extension of time to file an opening brief. (Doc. 14.) The Court granted the request, and ordered Plaintiff to file an opening brief no later than May 6, 2015. (Doc. 15.) However, Plaintiff failed to file her opening brief in accordance with the Court’s order, and did not seek a further extension of time. Accordingly, the Court issued an order to show cause why sanctions should not be imposed on May 7, 2015. (Doc. 16.)

On May 14, 2015, Plaintiff’s counsel, Patricia McCabe, filed a timely response to the Court’s order. (Doc. 17.) Ms. McCabe asserts that she had previously “not filed cases in the United District Court for the Eastern District nor in the United States District Court for the Northern District,” yet currently has one case in each District Court.” (*Id.* at 1-2, ¶¶ 2-3.) She asserts she was “unfamiliar with the briefing schedule” of the Eastern District and “inadvertently, and mistakenly, transposed the deadlines for filing of the Opening Brief in this matter with the deadline for the filing of [the] brief in the matter pending in the United Stated District Court in Northern District.” (*Id.*, ¶¶ 3-4.) Further, Ms.

1 McCabe asserts that she is “unfamiliar with the Court’s briefing style” and, consequently, “it has taken  
2 [her] longer to concisely address the issues, evidence and testimony.” (*Id.* at 3, ¶ 8.)

3 Ms. McCabe reports that after she received the Court’s order to show cause, she “diligently  
4 worked on completing the Plaintiff’s Opening Brief spending an additional 23 hours since May 10,  
5 2015.” (Doc. 17 at 3, ¶ 9.) Despite her efforts, she was unable to complete her work, and believes  
6 “additional time [is] necessary to proper address the issues raised.” (*Id.*, ¶ 11.) Therefore, Ms. McCabe  
7 requests that the Court grant a further extension of seven days for her to compete and file Plaintiff’s  
8 opening brief. (*Id.* at 4.)

9 Notably, although Ms. McCabe reports she is “unfamiliar with the Court’s briefing style,” the  
10 requirements for an opening brief were set forth by the Court in the Scheduling Order issued July 7,  
11 2014. (Doc. 5 at 3-4.) The issues and relevant evidence should have been identified previously by  
12 Plaintiff because she was required to serve “a letter brief outlining the reasons why []she contends that  
13 a remand is warranted,” and set forth the relevant issues for consideration by the Commissioner. (*Id.*  
14 at 2.) Moreover, the Court previously granted Plaintiff an extension of time, and specifically ordered  
15 Plaintiff to file an opening brief “no later than, May 6, 2015.” (Doc. 15.) Presumably, counsel would  
16 have determined the amount of time she needed for the extension only after having assured herself of  
17 the amount of work that would be needed to prepare the brief.

18 In any event, because Ms. McCabe reports the Commissioner is amenable to her request for a  
19 further extension of time, the Court will grant Plaintiff an additional seven days to file an opening brief  
20 in the action.

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

- 22 1. The Order to Show Cause dated May 7, 2015 (Doc. 16) is **DISCHARGED**; and  
23 2. Plaintiff **SHALL** file an opening brief no later than **May 21, 2015**.

24  
25 IT IS SO ORDERED.

26 Dated: May 15, 2015

27 /s/ Jennifer L. Thurston  
28 UNITED STATES MAGISTRATE JUDGE