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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10 FRESNO DIVISION

11 STEVEN PIERCE, ) Case No.: 1:14-CV-01687-BAM  
12 )  
Plaintiff, )  
13 vs. ) ORDER DISCHARGING ORDER TO  
SHOW CAUSE  
14 )  
CAROLYN W. COLVIN, )  
15 )  
Acting Commissioner of Social Security, )  
16 )  
Defendant. )  
17 )

18 Carolyn W. Colvin, Acting Commissioner of Social Security (the Commissioner) hereby  
19 responds to the Court's April 18, 2016 order requiring the Commissioner to show cause as to  
20 why she did not file her opposition to Plaintiff's Brief on or before the April 4, 2016 deadline set  
21 by the Court (Docket Nos. 21 & 23). Defense counsel in advertently scheduled the deadline to  
22 respond to Plaintiff's Brief as May 4, 2016, one month off from the correct April 4, 2016  
23 deadline, as set forth in the Declaration of Sharon Lahey filed herewith. Defense counsel  
24 understands that the procedural history in the above-captioned case has not complied with the  
25 Court's scheduling order, resulting in delay and inconvenience to the Court. Defense counsel  
26 further understands that the proper procedure is to request an extension of time from the Court  
27 prior to the deadline. Defense counsel will make every effort to ensure that this does not happen  
28 in the future and respectfully requests that the Court discharge the April 18, 2016 Order to Show

1 Cause and extend the time for Defendant to respond to Plaintiff's Brief from April 4, 2016 to  
2 April 22, 2016, nunc pro tunc.

3 Dated: April 18, 2016

4 Respectfully submitted,  
5 BENJAMIN B. WAGNER  
6 United States Attorney  
7 DEBORAH LEE STACHEL  
8 Regional Chief Counsel, Region IX  
9 Social Security Administration

10 By: /s/ Sharon Lahey  
11 SHARON LAHEY  
12 Special Assistant U.S. Attorney  
13 Attorneys for Defendant

14 **ORDER**

15 On April 18, 2016, this Court issued an Order to Show Cause for Defendant's failure to  
16 file a timely response brief. (Doc. 23). That same day, Defendant filed the above response  
17 stating that she miscalendered the due date for the response brief. (Doc. 24). Having considered  
18 counsel's response, the Court DISCHARGES the Order to Show Cause and extends the briefing  
19 schedule nunc pro tunc.

20 Defendant shall file her response to Plaintiff's Brief on or before **April 22, 2016**. Any  
21 reply thereto shall be filed on or before **May 6, 2016**. The parties are on notice that the Court  
22 will not grant any further continuances of the briefing schedule in this case.

23 IT IS SO ORDERED.

24 Dated: April 20, 2016

25 /s/ Barbara A. McAuliffe  
26 UNITED STATES MAGISTRATE JUDGE  
27  
28