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

MANUEL GARCIA,)	Case No.: 1:14-cv-01744 - JLT
)	
Plaintiff,)	ORDER GRANTING IN PART PLAINTIFF’S
)	REQUEST FOR AN EXTENSION OF TIME
v.)	
)	
CAROLYN COLVIN,)	(Doc. 16)
Acting Commissioner of Social Security,)	
)	
Defendant.)	

On August 28, 2015, the parties stipulated for an extension of the briefing schedule, requesting that the Court grant an extension of forty-five days for Plaintiff to file an opening brief. (Doc. 21) The Scheduling Order permits a single extension of thirty days by stipulation (Doc. 6 at 4), which was used by Defendant to file a certified administrative record. (Docs. 13, 14) In addition, Defendant sought a second extension of time to respond to Plaintiff’s confidential letter brief. (Docs. 18-19)

Significantly, 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 reports that “Plaintiff’s counsel will be on vacation [from] August 29 through September 13, 2015, and Defendant has planned leave thereafter.” (Doc. 21 at 2) Therefore, Plaintiff

1 requests that the Court extend the filing deadline “from September 8, 2015 to October 23, 2015 for
2 Plaintiff to file an Opening Brief, with all other dates in the Court’s Order extended accordingly.” (Id.
3 at 1) However, there is no explanation as to why Plaintiff needs until October 23, 2015 to file an
4 opening brief, when his attorney will return from vacation on September 13, 2015. Presumably, the
5 remainder of the extension is for Defendant’s counsel, who fails to provide any information regarding
6 the duration of her leave and who has received two prior extensions of time in this action. Therefore,
7 the Court finds Plaintiffs have not demonstrated good cause for the extension requested.

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

- 9 1. Plaintiff’s request for an extension of time is **GRANTED in part**; and
- 10 2. Plaintiff **SHALL** file his opening brief no later than **October 9, 2015**.

11
12 IT IS SO ORDERED.

13 Dated: September 2, 2015

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