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

HARLEY McNEIL,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

15-cv-1442-AWI GSA

**ORDER DENYING PLAINTIFF’S
MOTION FOR AN EXTENSION OF TIME
WITHOUT PREJUDICE

(Doc. 26)**

Pursuant to this Court’s previous orders (Docs. 8 and 23), Plaintiff was required to file his opening brief thirty (30) days after the Defendant’s informal letter brief was served on Plaintiff. Defendant mailed Plaintiff its informal letter brief on April 18, 2017. (Doc. 25). On May 16, 2017, Plaintiff filed a Motion for an Extension of Time to File the Opening Brief. (Doc. 26). The entirety of Plaintiff’s Motion is as follows: “REQUEST FOR EXTENTION OF TIME. Harley McNeil is requesting an extension of time for opening brief.” (Doc. 26, lines 12-15).

The Court is not opposed to giving Plaintiff a reasonable extension of time to file his opening brief. However, Plaintiff must establish good cause for the request. Fed. Rule. Civ. Proc. 6. He must also indicate how much time he is requesting. In other words, Plaintiff must give a proposed date, explain why he was unable to meet his filing deadline, and advise the Court why additional time is needed. In the alternative, Plaintiff may contact defense counsel, Ann Maley to see if she is willing to enter into a stipulation to extend time which can be filed with the Court.

1 Pursuant to the docket, Ms. Maley's telephone number and email is: (415)-977-8974;
2 ann.maley@ssa.gov.

3 Additionally, the Court notes that Plaintiff filed the motion, but another individual, Janice
4 Lingenfelter, is listed on the motion as a "representative." (Doc. 26, Pg.1, ln 1-2; 20-21). Pursuant
5 to Local Rule 180 (b), only members of the Bar of this Court are permitted to practice in this
6 district. *See also, McShane v. United States*, 366 F. 2d 286, 288 (9th Cir. 1966) (holding that a lay
7 person lacks authority to appear as an attorney for others). Therefore, Ms. Lingenfelter shall not
8 be listed on any future pleadings unless she is an attorney that has been admitted to practice in
9 this Court and has filed a Notice of Appearance indicating that she is Plaintiff's lawyer.

10 In light of the above, Plaintiff's Motion for an Extension of Time (Doc. 26) is DENIED
11 WITHOUT PREJUDICE. Plaintiff shall file either an amended request or a stipulation consistent
12 with the instructions outlined above no later than **June 2, 2017**. Alternately, Plaintiff may file the
13 Opening Brief by this deadline accompanied with an explanation of why the additional time was
14 necessary.

15 **Plaintiff is advised that failure to timely comply with this order will result in**
16 **dismissal of this action.**

17 IT IS SO ORDERED.

18 Dated: May 19, 2017

19 /s/ Gary S. Austin
20 UNITED STATES MAGISTRATE JUDGE