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

ALICIA HERNANDEZ,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

Case No. 1:15-cv-01684-SAB  
ORDER DENYING WITHOUT PREJUDICE  
STIPULATION FOR EXTENSION OF TIME  
FOR DEFENDANT TO FILE OPPOSITION  
TO PLAINTIFF’S OPENING BRIEF  
(ECF No. 20)

Plaintiff Alicia Hernandez filed this action seeking review of the Commissioner’s denial of Social Security benefits on November 5, 2015. On September 23, 2016, this Court issued an order requiring Plaintiff to show cause why sanctions should not issue for her failure to prosecute. (ECF No. 16.) On September 29, 2016, the Court discharged the order to show cause and set a new briefing schedule. (ECF No. 18.) Plaintiff’s opening brief was filed on October 14, 2016, in accordance with the briefing schedule. (ECF No. 19.) Defendant’s opposition was due on November 14, 2016.

After the Defendant’s deadline had passed for filing its opposition, on November 16, 2016, Defendant filed a stipulation for an extension of time to file the opposition to Plaintiff’s opening brief. (ECF No. 20.) Defendant requests the additional time to file her opposition because additional time is needed to evaluate the arguments made in Plaintiff’s brief and because Defendant’s counsel recently returned from leave. (ECF No. 20.) However, Defendant does

1 explain why she did not file the request for an extension of time until two days after the deadline  
2 passed.

3 Based upon a review of Defendant's stipulation for an extension of time, and in light of  
4 the fact that Defendant filed the request after the deadline without an explanation for the delay in  
5 seeking an extension, Defendant's stipulation for an extension of time is denied without  
6 prejudice subject to renewal.

7 The parties are advised that due to the impact of social security cases on the Court's  
8 docket and the Court's desire to have cases decided in an expedient manner, requests for  
9 modification of the briefing scheduling will not routinely be granted and will only be granted  
10 upon a showing of good cause. Further, requests to modify the briefing schedule that are made  
11 on the eve of a deadline or after will be looked upon with disfavor and may be denied absent  
12 good cause for the delay in seeking an extension. If done after a deadline, the party seeking  
13 extension must show additional good cause why the matter was filed late with the request for  
14 nunc pro tunc. Since this failure to meet a deadline has occurred on more than occasion recently  
15 by the Social Security Administration, counsel shall advise other counsel who work on these  
16 cases in this Court of the requirements that this judge adheres to in managing social security  
17 appeals so as to avoid future orders and sanctions.

18 Accordingly, IT IS HEREBY ORDERED that Defendant's stipulation for an extension of  
19 time to file an opposition to Plaintiff's opening brief is DENIED WITHOUT PREJUDICE.

20 IT IS SO ORDERED.

21 Dated: November 17, 2016

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24 UNITED STATES MAGISTRATE JUDGE  
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