UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

MARIA THERESA CISNEROS- BELLO,

Plaintiff,

V.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

Defendant.

Case No.: 1:15-cv-01698- JLT

ORDER GRANTING PLAINTIFF'S REQUEST
FOR A SECOND EXTENSION OF TIME NUNC
PRO TUNC

(Doc. 10)

On August 9, 2016, Plaintiff filed a stipulation of the parties to extend time for Plaintiff to file her opening brief. (Doc. 10) Notably, Defendant filed a proof of service indicating service of the confidential letter brief on July 1, 2016. (Doc. 9) Pursuant to the Court's Scheduling Order, Plaintiff's opening brief should have been filed no later than August 1, 2016. (*See* Doc. 5 at 2) (directing Plaintiff to "file and serve an opening brief with the court and on respondent" within thirty days of receiving the confidential brief).

The Scheduling Order allows for a single extension of thirty days by the stipulation of the parties (Doc. 5 at 4), which was previously used by Plaintiff to serve her confidential brief. (Doc. 11 at 2) Beyond the single thirty-day extension, "requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause." (Doc. 5at 4) Thus, the Court construes the stipulation of the parties to be a motion by Plaintiff for modification of the Scheduling Order.

Plaintiff's counsel reports that his wife has been hospitalized several times this summer due to illness and complications from surgery. (Doc. 13 at 2) Accordingly, he requests additional time "in order to properly address the issues within the administrative record in this matter." (*Id.*) Defendant does not oppose the request for a further extension of time. (*Id.*)

Good cause appearing, IT IS HEREBY ORDERED:

- 1. Plaintiff's request for a second extension of time is **GRANTED** nunc pro tunc;
- 2. Plaintiff **SHALL** file an opening brief on or before **September 6, 2016**; and
- 3. The parties are cautioned that no further extensions will be granted without the showing of exceptionally good cause.

IT IS SO ORDERED.

Dated: August 10, 2016 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE