UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIE EARL FULLER, Plaintiff, v. NANCY A. BERRYHILL[1], Acting Commissioner of Social Security, Defendant.	))))))))))	Case No.: 1:16-cv-0216- JLT ORDER GRANTING PLAINTIFF'S REQUEST FOR AN EXTENSION OF TIME AND DIRECTING PLAINTIFF TO FILE AN OPENING BRIEF NO LATER THAN JUNE 21, 2017

On May 31, 2017, the Court ordered Plaintiff to show cause why sanctions should not be imposed for failure to prosecute the action and failure to comply with the Court's scheduling order requiring the filing of an opening brief. (Doc. 22)

On June 23, 2017, Plaintiff filed a response to the Court's order, requesting that sanctions not be imposed for the failures. (Doc. 23) Plaintiff's counsel, Melissa Newel, reports that there was "a serious family illness," which resulted in a "significant and unexpected time away from the office." (*Id.* at 4, Newel Decl. ¶ 3) Ms. Newel asserts that the failure to file an opening brief was "not due to any wilful delay but rather due to the unanticipated circumstances…" (*Id.*) As a result, she requests Plaintiff be granted an additional seven days to file the opening brief in the matter.

[1] Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Court substitutes Nancy A. Berryhill for her predecessor, Carolyn W. Colvin, as the defendant.

Based upon the information provided, it appears Plaintiff intends to proceed with this action for judicial review of the administrative decision denying his application for benefits. Accordingly, the Court **ORDERS:**

1. Plaintiff's request for an extension of time to file an opening brief is **GRANTED**;
2. Plaintiff **SHALL** file an opening brief no later than **June 21, 2017**; and
3. Upon the timely filing of the opening brief, the Court will discharge the Order to Show Cause dated May 31, 2017.

IT IS SO ORDERED.

Dated: **June 16, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE