UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

BRYAN RUSSELL PENDERGAST,) Case No.: 1:16-cv-0552- JLT
Plaintiff,	ORDER GRANTING DEFENDANT'S SECOND REQUEST FOR AN EXTENSION OF TIME
V.	(Doc. 17)
Commissioner of Social Security,)
Defendant.)))
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On February 24, 2017, Defendant filed a stipulation of the parties to extend time for the Commissioner to file a response to Plaintiff's opening brief in the action. (Doc. 17) Notably, the Scheduling Order allows for a single extension of thirty days by the stipulation of the parties (Doc. 7 at 4), and this is the *third* extension requested by the parties. (*See* Docs. 12, 15)

Beyond the single extension permitted by the Scheduling Order, "requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause." (Doc. 7 at 4) In addition, the parties were cautioned that requests for modification of the Court's schedule "will not routinely be granted." (*Id.*, emphasis in original) Despite the Court's order, Defendant failed to file a written motion for amending the scheduling order for an extension, which Defendant's counsel contends is necessary "because he has a very heavy workload, and because of an upcoming family vacation to Taiwan that will result in an absence from the office from Monday, February 27 through Friday, March 17, 2017." (Doc. 17 at 1)

Notably, it appears Defendant's counsel should have been aware of his pending vacation when he previously requested an extension of time to February 27—the day of his departure from the office. (*See* Doc. 15 at 1) Nevertheless, the Court notes that Plaintiff does not oppose the request for a further extension of time. (*See* Doc. 17) Accordingly, the Court **ORDERS**:

- 1. Defendant's request for a further extension of time is **GRANTED**;
- 2. Defendant **SHALL** file a response to the opening brief no later than **March 29 2017**;
- The parties are advised that the Court contemplates that <u>no further extensions of time</u>
 <u>will be sought</u>; and
- 4. If Defendant fails to file the responsive brief in compliance with this deadline ordered by the Court, the matter will be decided without any input by Defendant.

IT IS SO ORDERED.

Dated: March 3, 2017 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE