

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

LEE LEE XIONG,)	Case No.: 1:16-cv-00582 - JLT
)	
Plaintiff,)	ORDER GRANTING A SECOND EXTENSION OF
)	TIME
v.)	
)	
NANCY A. BERRYHILL ¹ ,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
)	

Lee Lee Xiong seeks judicial review of the decision to denying an application for Social Security benefits, and filed an opening brief in the action on March 17, 2017. (Doc. 14) On April 21, 2017, the parties filed a stipulation for Defendant to have an extension of time to file a response to the brief. (Doc. 16)

Pursuant to the Court’s Scheduling Order, Defendant was to file a response to the opening brief within thirty days of the filing of the opening brief. (See Doc. 6 at 4) Accordingly, the response was to be filed no later than April 17, 2017. (See *id.*) Beyond a single extension of time by stipulation of the parties, “requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause.” (*Id.*) Accordingly, the Court construes the stipulation of the parties to

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.

1 be a motion for an extension of time.

2 Here, Defendant seeks an extension of less than ten days to file the brief, asserting it is
3 necessary “due to a heavy workload, including preparation for an oral argument.” (Doc. 16 at 1)
4 Plaintiff does not oppose Defendant’s request for a brief extension of time. (*Id.* at 2)

5 Accordingly, the Court **ORDERS**:

- 6 1. Defendant’s request for an extension of time is **GRANTED**; and
- 7 2. Defendant **SHALL** file a response to the opening brief no later than **April 26, 2017**.

8
9 IT IS SO ORDERED.

10 Dated: April 24, 2017

11 /s/ Jennifer L. Thurston
12 UNITED STATES MAGISTRATE JUDGE