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

PHILLIPS J. MONTALVO,
Plaintiff,
v.
NANCY A. BERRYHILL, Acting
Commissioner of Social Security,
Defendant.

Case No. 1:16-cv-00606-BAM
**ORDER DISCHARGING ORDER TO
SHOW CAUSE**
(Doc. 21)
**ORDER GRANTING EXTENSION OF
TIME TO FILE OPENING BRIEF NUNC
PRO TUNC**

On April 12, 2017, the Court issued an order for Plaintiff to show cause in writing why this action should not be dismissed for failure to prosecute. (Doc. 21).

On April 19, 2017, Plaintiff filed a response to the order to show cause, along with a request for an extension of time to file an opening brief and an opening brief. (Docs. 22, 23). In the response, Plaintiff's counsel explained the personal circumstances necessitating additional time to complete the opening brief in this action. (Doc. 22).

Having considered counsel's response, the Court's Order to Show Cause issued on April 12, 2017, is **HEREBY DISCHARGED** and no sanctions will be imposed. Additionally, Plaintiff's request for an extension of time to April 19, 2017 to file an opening brief is **HEREBY**

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1 GRANTED nunc pro tunc. Defendant's opposition to the opening brief, if any, shall be filed on
2 or before May 19, 2017.

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4 IT IS SO ORDERED.

5 Dated: April 21, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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