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

DANIEL HERNANDEZ OLVERA,)	Case No.: 1:16-cv-0646- JLT
Plaintiff,)	
v.)	ORDER GRANTING IN PART PLAINTIFF’S REQUEST FOR AN EXTENSION OF TIME
Commissioner of Social Security,)	(Doc. 17)
Defendant.)	
)	
)	
)	

On February 14, 2017, Plaintiff filed a stipulation of the parties for Plaintiff to have an 45-day extension of time to file an opening brief in the action. (Doc. 16) Notably, the Scheduling Order allows for a single extension of thirty days by the stipulation of the parties (Doc. 5 at 4), which was used by Plaintiff in December 2016. At that time, the Court ordered Plaintiff to file an opening brief no later than February 7, 2017. (Docs. 13, 14) Beyond that extension, “requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause.” (Doc. 7 at 4) Therefore, the Court construes the stipulation of the parties to be a motion to amend the briefing schedule.

Plaintiff’s counsel requests additional time “to fully research the issues presented.” (Doc. 16 at 2) Significantly, this is the same reason Plaintiff previously requested an extension of 45 days in the action. (See Doc. 13 at 2) Plaintiff fails to offer any reason why the research required was not completed within the 45 days previously granted—despite the fact that the Court granted an additional

1 15 days not contemplated by the Scheduling order—and likewise failed to seek an extension of time by
2 the filing deadline ordered by the Court. Further, Plaintiff fails to support the request for a second
3 extension with good cause. Nevertheless, because Defendant does not oppose the request for an
4 extension, the Court will grant a brief extension of the filing deadline from February 7, 2017 to
5 February 28, 2017.

6 Based upon the foregoing, the Court **ORDERS**:

- 7 1. Plaintiff's request for an extension of time is **GRANTED IN PART**;
- 8 2. Plaintiff **SHALL** file an opening brief on or before **February 28, 2017**; and
- 9 3. Plaintiff is advised that no further extensions will be granted without a showing of
10 exceptional good cause.

11
12 IT IS SO ORDERED.

13 Dated: February 15, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE