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

ROBERTO ALVARADO,  
  
Plaintiff,  
  
v.  
  
COMMISSIONER OF SOCIAL SECURITY,  
  
Defendant.

Case No. 1:16-cv-00746-SAB  
  
ORDER DENYING WITHOUT PREJUDICE  
STIPULATION FOR EXTENSION OF TIME  
FOR PLAINTIFF TO FILE OPENING BRIEF  
  
(ECF No. 17)

Plaintiff Roberto Alvarado filed this action seeking review of the Commissioner’s denial of Social Security benefits on May 27, 2016. On June 2, 2016, this Court issued a scheduling order in this action. (ECF No. 4.) On January 23, 2017, the parties filed a stipulation for an extension of time for Plaintiff to file his opening brief. (ECF No. 14.) On January 23, 2017, the Court granted the parties’ request and ordered that Plaintiff’s opening brief was to be filed on or before March 24, 2017. (ECF No. 15.)

After Plaintiff’s deadline had passed to file his opening brief, Plaintiff filed a stipulation on March 27, 2017, for an extension of time to file his opening brief. (ECF No. 17.) Plaintiff requests until April 25, 2017, to file his opening brief. (ECF No. 17.) Plaintiff requests the additional time to file his opening brief because his counsel’s wife passed away on September 30, 2016, the subsequent holiday period, and need to find a permanent caregiver and the required time to acclimate Plaintiff’s counsel’s children to that presence during his absence to meet his

1 professional obligations. (ECF No. 17.)

2           Based upon a review of the stipulation for an extension of time, and in light of the fact  
3 that Plaintiff filed the request after the deadline without an explanation for the delay in seeking  
4 an extension, Plaintiff's stipulation for an extension of time is denied without prejudice subject  
5 to renewal.

6           The parties are advised that due to the impact of social security cases on the Court's  
7 docket and the Court's desire to have cases decided in an expedient manner, requests for  
8 modification of the briefing scheduling will not routinely be granted and will only be granted  
9 upon a showing of good cause. Further, requests to modify the briefing schedule that are made  
10 on the eve of a deadline or after will be looked upon with disfavor and may be denied absent  
11 good cause for the delay in seeking an extension. If done after a deadline, the party seeking  
12 extension must show additional good cause why the matter was filed late with the request for  
13 nunc pro tunc.

14           The Court notes that the concurrently filed order in Clark v. Commissioner of Social  
15 Security, 1:16-cv-00437-SAB, requires Plaintiff's counsel to file a detailed plan for his cases  
16 before the undersigned because his clients' rights are being affected. Before Plaintiff's counsel  
17 submits a new request, he will need to formulate a plan to address future conformity with orders  
18 of this Court. The Court will consider the detailed plan when evaluating any future requests for  
19 extensions of time by Plaintiff's counsel. Plaintiff's counsel shall serve this order on his client  
20 and shall file a proof of service with the Court.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The March 27, 2017 stipulation for an extension of time to file Plaintiff's opening  
3 brief is DENIED WITHOUT PREJUDICE;
- 4 2. Plaintiff's counsel shall serve this order on Plaintiff within five (5) days of the  
5 date of service of this order; and
- 6 3. Plaintiff's counsel shall file a proof of service within five (5) days of the date he  
7 serves Plaintiff with this order.

8 IT IS SO ORDERED.

9 Dated: March 29, 2017

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12 UNITED STATES MAGISTRATE JUDGE