## 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 VIVIAN WALL, on behalf of minor J.I.W., Case No.: 1:16-cv-0752- JLT 12 Plaintiff, ORDER GRANTING PLAINTIFF'S REQUEST FOR AN EXTENSION OF TIME AND 13 v. DIRECTING PLAINTIFF TO FILE AN OPENING BRIEF NO LATER THAN MAY 15, 2017 NANCY A. BERRYHILL Acting Commissioner of Social Security, 15 Defendant. 16 17 On April 24, 2017, the Court ordered Plaintiff to show cause why sanctions should not be 18 imposed for failure to prosecute the action and failure to comply with the Court's scheduling order 19 requiring the filing of an opening brief. (Doc. 19) 20 On May 8, 2017, Plaintiff filed a response to the Court's order, requesting that sanctions not be 21 imposed for the failures. (Doc. 20) Plaintiff's counsel, Melissa Newel, reports that there was "a 22 serious illness" in her family, which resulted in a "significant time away from the office." (Id. at 4, 23 Newel Decl. ¶ 2) She asserts that, as a result, she "inadvertently failed to file the Opening Brief in this 24 matter." (Id.) As a result, Plaintiff requests that she be permitted to file the opening brief within seven 25 days of the date of her filing the response, or no later than May 15, 2017. (*Id.* at 3) 26 Based upon the information provided, it appears that, Plaintiff intends to proceed with this

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<sup>&</sup>lt;sup>1</sup> 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	action for judicial review of the administrative decision denying her application for benefits.	
2	Accordingly, the Court <b>ORDERS</b> :	
3	1.	Plaintiff's request for an extension of time to file an opening brief is <b>GRANTED</b> ;
4	2.	Plaintiff SHALL file an opening brief no later than May 15, 2017;
5	3.	Upon the timely filing of the opening brief, the Court will discharge the Order to Show
6		Cause dated April 24, 2017; and
7	4.	Plaintiff is advised that failure to comply with the deadline as ordered by the
8		Court will result in a finding that Plaintiff has abandoned the action, and the
9		matter will be dismissed for failure to prosecute.
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11	IT IS SO ORDERED.	
12	Dated:	May 10, 2017 /s/ Jennifer L. Thurston
13		UNITED STATES MAGISTRATE JUDGE
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