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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 DWAYNE WILSON,) Case No.: 1:16-cv-01012- JLT
12 Plaintiff,)
13 v.) ORDER GRANTING DEFENDANT’S MOTION
14 NANCY A. BERRYHILL¹,) FOR A THIRTY-DAY EXTENSION OF TIME
15 Acting Commissioner of Social Security,) (Doc. 27)
16 Defendant.)

17 On July 17, 2017, Defendant filed a motion for “a second... extension of time of thirty days to
18 respond to Plaintiff’s Opening Brief.” (Doc. 27 at 1) Defendant observes that the current filing
19 deadline is July 26, 2017, and seeks an extension until August 25, 2017. (*Id.* at 1-2)

20 The Scheduling Order allows for a single extension of thirty days by the stipulation (Doc. 9 at
21 4), which was previously used by Plaintiff for the filing of his opening brief. (Docs. 18, 19) Indeed,
22 this is the fourth extension requested by the parties related to the briefing schedule. (*See* Docs. 18, 20,
23 23) Beyond that single extension by stipulation, “requests to modify [the scheduling] order must be
24 made by written motion and will be granted only for good cause.” (Doc. 9 at 4)

25 Defendant’s counsel, Tina Naicker, asserts the additional extension is necessary because she
26 “has over 50+ pending active matters of which currently requires two or more dispositive motions per
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28 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 week until mid-late August, in addition to three pending civil rights matters, a legal opinion and a
2 bankruptcy matter all of which require immediate attention prior to the current filing deadline.” (Doc.
3 27 at 2) In addition, Ms. Naicker observes that she was recently assigned to the case, and needs the
4 additional time “to respond fully to the issues raised in Plaintiff’s Motion.” (*Id.*) Plaintiff’s counsel
5 does not object to the additional extension of time. (*See id.*)

6 Given the need of counsel to learn the facts of the case to prepare the Commissioner’s response,
7 the Court finds good cause to grant the requested extension of thirty days.

8 Accordingly, the Court **ORDERS:**

9 1. Defendant’s motion for an extension of time is **GRANTED**;

10 2. Defendant **SHALL** respond to the opening brief on or before **August 25, 2017**.

11 **The parties are advised that no further extensions of time will be granted absent a showing of**
12 **exceptional good cause.**

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14 IT IS SO ORDERED.

15 Dated: **July 18, 2017**

/s/ Jennifer L. Thurston
16 UNITED STATES MAGISTRATE JUDGE