UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

DWAYNE WILSON,) Case No.: 1:16-cv-01012- JLT
Plaintiff,	ORDER GRANTING DEFENDANT'S MOTION FOR A THREE-DAY EXTENSION OF TIME
V.	(Doc. 29)
NANCY A. BERRYHILL ¹ , Acting Commissioner of Social Security,)
Defendant.))

On August 21, 2017, Defendant filed a motion for "a third request extension of time of three days (or one business day) to respond to Plaintiff's Opening Brief." (Doc. 27 at 1) Defendant observes that the current filing deadline is August 25, 2017, and seeks an extension until August 28, 2017. (*Id.*)

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

Defendant's counsel, Tina Naicker, asserts the additional extension is necessary because she "has over 50+ pending active matters of which currently requires two or more dispositive motions per

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted for her predecessor, Carolyn W. Colvin, as the defendant.

week until mid-late August, in addition to other pending non-District Court litigation matters and a Ninth Circuit case." (Doc. 29 at 2) In addition, Ms. Naicker reports she has suffered a medical issue that impaired her ability to work. (See id.) The brief delay will not prejudice Plaintiff, who does not oppose the requested extension. (*Id.*) Good cause appearing, the Court **ORDERS**: Defendant's motion for an extension of time is **GRANTED**; and 1. 2. Defendant SHALL respond to the opening brief on or before August 28, 2017. IT IS SO ORDERED. /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE Dated: **August 23, 2017**