UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

LAURA LEE GUINN,

Plaintiff,

ORDER GRANTING THE REQUEST FOR A SECOND EXTENSION OF TIME

v.

NANCY A. BERRYHILL¹,
Acting Commissioner of Social Security,

Defendant.

Defendant.

The parties filed a stipulation for a ten-day extension of time for Defendant to file a response to Plaintiff's opening brief. (Doc. 14) Notably, the Scheduling Order allows for a single extension of thirty days by the stipulation (Doc. 3 at 4), which was previously used by Defendant to prepare and file the administrative record. (Docs. 7, 9) Beyond that extension, "requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause." (Doc. 3 at 4) Accordingly, the Court construes the stipulation as a motion for modification of the briefing schedule.

Defendant's counsel reports a further extension is necessary due to "workload issues that preclude filing [the] responsive brief by May 19, 2017." (Doc. 14 at 2) In addition, Plaintiff does not object to the request (*see id.*), and it does not appear there would be any prejudice caused to Plaintiff with the brief extension.

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 Carolyn W. Colvin, as the defendant.

Accordingly, the Court **ORDERS**: Defendant's request for a second extension of time is **GRANTED**; and 1. 2. Defendant SHALL file a response to the opening brief on or before May 30, 2017. IT IS SO ORDERED. /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE Dated: May 17, 2017