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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA - FRESNO**

13 JAVIER GONZALES BENITEZ,
14 Plaintiff,

15 v.

16 NANCY A. BERRYHILL,
17 Acting Commissioner of Social
18 Security,
19 Defendant.

) Case No. 1:16-cv-01573-BAM

) **UNOPPOSED MOTION FOR FIRST**
) **EXTENSION OF TIME**

19 IT IS HEREBY STIPULATED, by and between Javier Gonzales Benitez
20 (Plaintiff) and Nancy A. Berryhill, Acting Commissioner of Social Security (Defendant),
21 by and through their respective counsel of record, that Defendant shall have an extension
22 of time of thirty (30) days to file her Opposition to Plaintiff's Opening Brief. The
23 current due date is July 14, 2017. The new date will be August 14, 2017. An extension
24 of time is needed because the attorney responsible for briefing this case is still tending to
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1 a backlog of cases after having been on medical leave. This request is made in good
2 faith with no intention to unduly delay the proceedings.

3 This is the first extension of time request by Defendant in the above-captioned
4 matter. The parties further stipulate that the Court's Scheduling Order shall be modified
5 accordingly.

6 Respectfully submitted,

7 Date: July 11, 2017

8 JONATHAN OMAR PENA

9 By: /s/ Jonathan Omar Pena *

10 Pena & Bromberg

11 Attorney for Plaintiff

12 (*As authorized by e-mail on July 11, 2017)

13 Date: July 11, 2017

14 PHILLIP A. TALBERT

15 United States Attorney

16 /s/ Gina Tomaselli

17 GINA TOMASELLI

18 Special Assistant United States Attorney

19 Attorneys for Defendant

20 **ORDER**

21 Pursuant to the stipulation of the parties, and good cause appearing, IT IS
22 HEREBY ORDERED that Defendant shall have an extension of time to August 14,
23 2017, to file an opposition to Plaintiff's Opening Brief. All other deadlines set forth in
24 the October 21, 2016 Scheduling Order shall be extended accordingly.

25 IT IS SO ORDERED.

26 Dated: July 12, 2017 /s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE

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