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

13 JAVIER GONZALES BENITEZ,)
14 Plaintiff,) Case No. 1:16-cv-01573-BAM
15 v.) **UNOPPOSED MOTION FOR SECOND**
16 NANCY A. BERRYHILL,) **EXTENSION OF TIME**
17 Acting Commissioner of Social Security,)
18 Defendant.)

19 IT IS HEREBY STIPULATED, by and between Javier Gonzales Benitez (Plaintiff) and Nancy
20 A. Berryhill, Acting Commissioner of Social Security (Defendant), by and through their respective
21 counsel of record, that Defendant shall have an extension of time of thirty (30) days to file her
22 Opposition to Plaintiff's Opening Brief. The current due date is August 14, 2017. The new date will
23 be September 13, 2017. An extension of time is needed because the attorney responsible for briefing
24 this case has experienced a serious flare-up of a chronic illness and will be taking some medical leave.
25 This request is made in good faith with no intention to unduly delay the proceedings.
26

1 This is the second extension of time request by Defendant in the above-captioned matter.
2 Defendant is aware that more than one extension is disfavored and apologizes both to Plaintiff and the
3 Court for the inconvenience. The parties further stipulate that the Court's Scheduling Order shall be
4 modified accordingly.

5 Respectfully submitted,

6 Date: August 4, 2017

JONATHAN OMAR PENA

7 By: /s/ Jonathan Omar Pena *

8 Pena & Bromberg

9 Attorney for Plaintiff

(*As authorized by e-mail on August 4, 2017)

10 Date: August 4, 2017

PHILLIP A. TALBERT

11 United States Attorney

12 /s/ Gina Tomaselli

13 GINA TOMASELLI

14 Special Assistant United States Attorney

15 Attorneys for Defendant

16 **ORDER**

17 Based upon the stipulation of the parties, and for cause shown, IT IS HEREBY ORDERED, that
18 Defendant shall have a thirty-day extension of time, to and including **September 13, 2017**, in which to
19 file a response Plaintiff's Motion for Summary Judgment; and that all other deadlines set forth in the
20 Court's Scheduling Order shall be extended accordingly.

21 IT IS SO ORDERED.

22 Dated: August 7, 2017

23 /s/ Barbara A. McAuliffe

24 UNITED STATES MAGISTRATE JUDGE