

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 ROSA FERNANDEZ,) Case No.: 1:16-cv-1591-JLT
12 Plaintiff,)
13 v.) ORDER GRANTING IN PART PLAINTIFF'S
14 NANCY A. BERRYHILL¹,) REQUEST FOR AN EXTENSION OF TIME
15 Acting Commissioner of Social Security,) (Doc. 16)
16 Defendant.)

17 On August 16, 2017, the parties stipulated for an extension of time for Plaintiff to file an
18 opening brief. (Doc. 16) Plaintiff asserts that the “[r]equest is made pursuant to paragraph 12 of the
19 Scheduling Order, Doc. No. 5, permitting a 30-day extension without the need for court approval
20 although the stipulation nevertheless must be filed.” (*Id.* at 2)

21 Notably, the Scheduling Order permits “a *single* thirty (30) day extension... by stipulation of
22 the parties.” (Doc. 5 at 4, emphasis added) Any additional request for modification of the schedule
23 “must be made by written motion and will be granted only for good cause.” (*Id.*) Previously, the
24 parties stipulated for an extension of thirty-days for the Commissioner to file the administrative record.
25 (Docs. 9, 10) As a result, any additional requests were be filed by written motion, with the support of
26 good cause. (*See* Doc. 5 at 4) Accordingly, the Court construes the stipulation for an extension of time

27
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 to be a motion by Plaintiff to amend the Scheduling Order.

2 In making the request to amend the schedule, Plaintiff fails to identify *any* reason to support the
3 requested extension. (See Doc. 16) Consequently, the Court is unable to find that good cause exists to
4 support the request. However, the request was filed on the day the opening brief was due², and the
5 Commissioner does not oppose modification of the briefing schedule. Accordingly, the Court

6 **ORDERS:**

- 7 1. The request for an extension of time is **GRANTED IN PART**;
- 8 2. Plaintiff **SHALL** file an opening brief no later than **August 28, 2017**; and
- 9 3. The parties are reminded that any additional requests for extensions of time **SHALL** be
10 supported by good cause.

11
12 IT IS SO ORDERED.

13 Dated: August 18, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE