UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CYNTHIA STILLS, Plaintiff, v. NANCY A. BERRYHILL[1], Acting Commissioner of Social Security, Defendant.	Case No.: 1:17-cv-0486-JLT ORDER GRANTING IN PART DEFENDANT'S REQUEST FOR AN EXTENSION OF TIME (Doc. 20)

On February 28, 2018, the parties stipulated for an extension of time for Defendant to file a response to Plaintiff's opening brief. (Doc. 20) Defendant asserts that the request "is made in accordance with the Scheduling Order…, which permits a single thirty-day extension by the stipulation of the parties." (*Id.* at 1)

Notably, as the parties acknowledge, the Scheduling Order permits "a *single* thirty (30) day extension… by stipulation of the parties." (Doc. 6 at 4, emphasis added) Any additional request for modification of the schedule "must be made by written motion and will be granted only for good cause." (*Id.*) Previously, the parties stipulated for an extension of thirty-days for Plaintiff to file her opening brief. (Docs. 13, 14) As a result, any additional requests were be filed by written motion, with the support of good cause. (*See* Doc. 6 at 4) Accordingly, the Court construes the stipulation for an

[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 as the defendant in this action.

extension of time to be a motion by Defendant to amend the Scheduling Order.

In making the request to amend the schedule, Defendant fails to identify *any* reason to support the requested extension. (*See* Doc. 20) Consequently, the Court is unable to find that good cause exists to support the request. However, the request was filed only three days before the brief was due, and Plaintiff does not oppose modification of the briefing schedule. Accordingly, the Court **ORDERS**:

1. The request for an extension of time is **GRANTED IN PART**;
2. Defendant **SHALL** file a response to the opening brief no later than **March 15, 2018;** and
3. The parties are reminded that any additional requests for extensions of time **SHALL** be supported by good cause.

IT IS SO ORDERED.

Dated: **February 27, 2018**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE