1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 JORGE RIOS, Case No. 1:17-cv-00728-SAB 11 12 Plaintiff, ORDER GRANTING PLAINTIFF'S APPLICATION TO FILE A LATE BRIEF 13 v. (ECF No. 14) 14 COMMISSIONER OF SOCIAL SECURITY, 15 Defendant. 16 17 18 19 20 Commissioner filed the administrative record. 21

Plaintiff Jorge Rios ("Plaintiff") filed a complaint on May 25, 2017, challenging the denial of his application for benefits by the Commissioner of Social Security ("the Commissioner"). The scheduling order was filed on June 19, 2017. On October 24, 2017, the

Pursuant to the scheduling order issued June 19, 2017, Plaintiff's opening brief was due on Friday, February 2, 2018. On Sunday, February 4, 2018, Plaintiff filed an application to file a late brief and an opening brief.

Plaintiff seeks to file a late brief due to the due date being mis-calendared. The brief was filed over the weekend and the Court finds no prejudice to the defendant due to the two day delay in the filing of the opening brief. Further, counsel did the responsible thing by noting the mistake and filing the brief.

Accordingly, IT IS HEREBY ORDERED that:

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1. Plaintiff's application to file a late brief is GRANTED; Plaintiff's opening brief is deemed timely filed on February 4, 2018; 2. Defendant's responsive pleading shall be filed on or before March 6, 2018; and 3. Plaintiff's reply brief, if any, shall be filed on or before March 20, 2018. 4. IT IS SO ORDERED. Dated: February 5, 2018 UNITED STATES MAGISTRATE JUDGE