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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSEPH GOMEZ

Plaintiff,

v.

NANCY A. BERRYHILL, Deputy
Commissioner for Operations,
performing the duties and functions not
reserved to the Commissioner of Social
Security,

Defendant.

) Case No.: 1:17-cv-01077-SKO

)
) ORDER EXTENDING BRIEFING
) SCHEDULE

) (Doc. 13)

Pursuant to the Court’s Scheduling Order, Plaintiff’s opening brief was due to be filed no later March 28, 2018. (Doc. 5.) The parties filed a “Stipulation to Extend Time to File Opening Brief” on April 2, 2018—five days after Plaintiff’s opening brief deadline expired. (Doc. 13.)

The Court may extend time to act after the deadline has expired because of “excusable neglect.” Fed. R. Civ. P. 6(b)(1)(B). Here, although the Stipulation demonstrates good cause under to support the request for extension of time (*see* Fed. R. Civ. P. 16(b)(4)), no such excusable neglect has been articulated—much less shown—to justify the untimeliness of the request. Notwithstanding this deficiency, given the absence of bad faith or prejudice to Defendant (as evidenced by the parties’ agreement to the extension of time after the deadline), and in view

1 of the liberal construction of Fed. R. Civ. 6(b)(1) to effectuate the general purpose
2 of seeing that cases are tried on the merits, *see Ahanchian v. Xenon Pictures, Inc.*,
3 624 F.3d 1253, 1258–59 (9th Cir. 2010), the Court GRANTS the parties’ stipulated
4 request. The parties are cautioned that future post hoc requests for extensions of
5 time will be viewed with disfavor.

6 IT IS HEREBY ORDERED that Plaintiff shall have an extension of time, to
7 and including April 27, 2018, by which to file his opening brief. All other
8 deadlines set forth in the Scheduling Order (Doc. 5) are modified accordingly.

9 IT IS SO ORDERED.

10 Dated: April 3, 2018

11 */s/ Sheila K. Oberto*
12 UNITED STATES MAGISTRATE JUDGE
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