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 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
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11 **LEONEL ESPINOZA**)
 12)
 13 **Plaintiff,**)
 14 **v.**)
 15 **MICHAEL J. ASTRUE**)
 16 **Commissioner of Social Security**)
 17 **of the United States of America,**)
 18 **Defendant.**)
 _____)

Case No. CIV -08-1806 KJM

**STIPULATION AND ORDER
 EXTENDING PLAINTIFF'S TIME TO
 FILE MEMORANDUM IN SUPPORT
 OF SUMMARY JUDGMENT**

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 20 IT IS HEREBY STIPULATED by and between the parties, through their attorneys, and with
 21 the permission of the Court as evidenced below, that the Plaintiff's time to file the summary judgment
 22 in this case is hereby extended until April 6, 2009. Plaintiff's summary judgment motion was due April
 23 1, 2009, however, due to plaintiff's counsel's illness did not get filed. See, Declaration of Counsel
 24 set forth below.

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Dated: April 3, 2009

/s/ Bess M. Brewer
BESS M. BREWER

Attorney at Law

Attorney for Plaintiff

Dated: April 3, 2009

Lawrence G. Brown
Acting United States Attorney

/s/ Sarah Ryan
SARAH RYAN

Special Assistant U.S. Attorney
Social Security Administration

Attorney for Defendant

DECLARATION OF BESS M. BREWER

1. I represent Ms. Hustler in the above referenced case pending in this court and submit this declaration in support of plaintiff’s stipulated request for an extension of time to file her motion for summary judgment.

2. Plaintiff’s summary judgment motion was due March 20, 2009. In addition to an already crowded briefing schedule, I have been fighting off a bronchial infection for the past two weeks and operating at only 10-25% of my normal capacity. Consequently, I fell behind in my work and was not able to complete Mr. Espinoza’s summary judgment motion as scheduled.

3. I need until April 6, 2009, within which to complete Mr. Espinoza’s summary judgment motion and will not request additional time. I apologize for straining the court’s patience with my requests for more time.

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ORDER

APPROVED AND SO ORDERED.

DATED: April 6, 2009
nunc pro tunc to April 1, 2009



U.S. MAGISTRATE JUDGE