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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

NANCY MARVIN,

No. CIV S-09-2089-CMK

Plaintiff,

vs.

ORDER

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

Plaintiff, who is proceeding with retained counsel, brings this action for judicial review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g). A review of the docket reflects that plaintiff’s dispositive motion was filed on February 8, 2010. On March 10, 2010, defendant filed a request for an extension of time to April 26, 2010, to file a response (Doc. 18). Counsel cited a heavy caseload as the basis for the request. That request was granted. On April 27, 2010, the parties submitted a stipulation further extending the time for defendant to file a response to May 25, 2010, again citing a heavy caseload (Doc. 20). On May 28, 2010, the parties submitted a second stipulated extension of time to June 10, 2010, for defendant to file a response (Doc. 22). According to defendant’s counsel, additional time was

1 needed in order to evaluate whether defendant would agree to a voluntary remand. No proposed
2 order was submitted with the second stipulation. On June 10, 2010, defendant filed a motion for
3 a further extension of time (Doc. 23). The motion, however, appears to be a duplicate of
4 defendant's first motion. Specifically, the June 10, 2010, motion seeks an extension to April 26,
5 2010, and is dated March 10, 2010. It is unclear whether the second motion was filed in error, or
6 if the dates on the second motion are in error.

7 Given that defendant may be in the process of evaluating this case for a voluntary
8 remand, the court sua sponte extends the time for defendant to file a response to plaintiff's
9 dispositive motion. Defendant's response is due within 30 days of the date of this order. The
10 Clerk of the Court is directed to terminate Doc. 23 as a pending motion.

11 IT IS SO ORDERED.

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13 DATED: June 15, 2010

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15 **CRAIG M. KELLISON**
16 UNITED STATES MAGISTRATE JUDGE
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