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5 Attorneys for Plaintiff

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**IN THE UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF CALIFORNIA**

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**BRIAN D. CALHOUN**

**Case No. CIV-09-3075 DAD**

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**Plaintiff,**

**STIPULATION; ORDER GRANTING IN  
 PART PLAINTIFF’S REQUEST FOR  
 ORDER EXTENDING PLAINTIFF’S  
 TIME TO FILE MEMORANDUM IN  
 SUPPORT OF SUMMARY JUDGMENT**

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v.

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**MICHAEL J. ASTRUE,  
 Commissioner of Social Security  
 of the United States of America,**

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**Defendant.**

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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  
 22 judgment in this case is hereby extended from August 24, 2010, to October 12, 2010. This  
 23 extension is required due to Plaintiff’s counsel’s impacted briefing and need to file<sup>1</sup>

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27 <sup>1</sup> The proposed order submitted to the undersigned for signature includes a stipulation that ends  
 28 in mid-sentence, as shown supra. Plaintiff’s counsel may have intended to offer further justification for  
 the requested extension of time. In the order filed in this case on June 16, 2010, the court granted  
 plaintiff’s request for an extension of time to August 24, 2010, but indicated that “[t]he court does not  
 anticipate granting a further extension of time for the filing of plaintiff’s motion in this case based solely  
 on ‘counsel’s impacted briefing schedule.’” (Doc. No. 16 at 2.)

1 Dated: August 23, 2010

/s/Bess M. Brewer  
BESS M. BREWER  
Attorney at Law

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Attorney for Plaintiff

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6 Dated: August 23, 2010

Benjamin B. Wagner

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United States Attorney

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/s/Kathryn Watson  
KATHRYN WATSON

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Special Assistant U.S. Attorney

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Attorney for Defendant

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**ORDER**

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IT IS ORDERED that counsel is granted a final extension of time to October 12, 2010, in which to file plaintiff's motion for summary judgment. Failure to comply with this order may result in dismissal of this action for lack of prosecution. See Local Rule 110.

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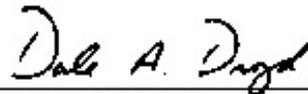
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DATED: August 25, 2010.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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