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 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10

11 **RICHARD GARCIA**

Case No. CIV-10-259 GGH

12)
13)
14 **Plaintiff,**)

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

15 **v.**)

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

17 **Defendant.**)
18)
19 _____)

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 from July 21, 2010, to September 21, 2010. This is Plaintiff's first
23 extension and is required due to Plaintiff's counsel's extremely heavy briefing schedule.

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Dated: July 21, 2010

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

Attorney for Plaintiff

Dated: July 22, 2010

Benjamin B. Wagner
United States Attorney

/s/ Leslie Alexander
LESLIE ALEXANDER
Special Assistant U.S. Attorney

Attorneys for Defendant

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DECLARATION

1. I am an attorney licensed the practice law in California and am admitted to practice before this Court. I represent the plaintiff in the above referenced case and submit this declaration to explain the late filing of this proposed stipulation and order.
2. Plaintiff's motion for summary judgment was due July 21, 2010. I sought and received the agreement of opposing counsel to request an extension of time within which to file plaintiff's opening brief until September 21, 2010.
3. The stipulation and proposed order was drafted but apparently was never filed. This came to my attention today and I am now filing the stipulation and proposed order that was prepared and agreed to on July 21, 2010.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed on September 2, 2010, in Sacramento, California.

/s/ Bess M. Brewer

BESS M. BREWER

ORDER

APPROVED AND SO ORDERED.

DATED: September 3, 2010 /s/ Gregory G. Hollows

GREGORY G. HOLLOWS
U.S. MAGISTRATE JUDGE

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