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9 Attorneys for Defendant

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

12	CONSUELO MERCADAL O/B/O E.M.M.,)	Case No.: 12-CV-02907-AC
13	Plaintiff,)	MOTION FOR A STAY OF PROCEEDINGS
14	vs.)	IN LIGHT OF LAPSE OF
15	CAROLYN W. COLVIN,)	APPROPRIATIONS
16	Acting Commissioner of Social Security,)	
17	Defendant.)	

18
19 The Acting Commissioner of Social Security hereby moves for a stay of proceedings in
20 the above-captioned case until Congress has restored appropriations.

21 1. At the end of the day on September 30, 2013, the Appropriations Act that had
 22 been funding the Department of Justice expired and appropriations to the Department lapsed.
 23 The same is true for most Executive agencies, including the Social Security Administration. The
 24 Department does not know when funding will be restored by Congress.
 25

26 2. Absent an appropriation, Department of Justice attorneys and employees of the
 27 Social Security Administration are prohibited from working, even on a voluntary basis, except in
 28

1 very limited circumstances, including “emergencies involving the safety of human life or the
2 protection of property.” 31 U.S.C. § 1342.

3 3. Undersigned counsel therefore requests a stay of proceedings until Congress has
4 restored appropriations to both the Department of Justice and the Social Security Administration.

5 4. If this motion for a stay is granted, the Government requests that, when Congress
6 has appropriated funds for the Department of Justice and the Social Security Administration, all
7 current deadlines for the parties be extended commensurate with the duration of the lapse in
8 appropriations.
9

10 5. Opposing counsel has authorized the undersigned counsel to state that there is no
11 objection to this motion.
12

13 Therefore, although we greatly regret any disruption caused to the Court and the other
14 litigants, the Acting Commissioner of Social Security hereby moves for a stay of proceedings in
15 this case until Department of Justice and Social Security Administration attorneys are permitted
16 to resume their usual civil litigation functions.
17

18 Respectfully submitted,

19 Dated: October 1, 2013

BENJAMIN B. WAGNER
United States Attorney
DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration

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23 By: /s/ Jeffrey Chen
JEFFREY CHEN
24 Special Assistant U.S. Attorney
25 Attorneys for Defendant
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ORDER

APPROVED AND SO ORDERED:

Dated: October 1, 2013



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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