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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY J. MILLS,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

No. 2:13-cv-0899-KJN

ORDER

Plaintiff filed a Stipulation and Proposed Order For Extension Of Time To File Motion on November 6, 2013.<sup>1</sup> (ECF No. 14.) However, plaintiff’s filing states only that he need “additional time to fully research the issues presented.” (ECF No. 14 at 2.) This is not a valid basis upon which to request an extension. Disconcertingly, it appears that plaintiff’s counsel waited until after a deadline before asking the court to extend that same deadline. E.D. Cal. L.R. 144(d) (“Counsel shall seek to obtain a necessary extension from the Court or from other counsel or parties in an action as soon as the need for an extension becomes apparent. Requests for Court approved extensions brought on the required filing date for the pleading or other document are looked upon with disfavor.”). Here, the administrative record was electronically filed on September 4, 2013 (see E.D. Cal. L.R. 135), such that plaintiff’s motion for summary judgment

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<sup>1</sup> This case was referred to the undersigned pursuant to Eastern District of California Local Rule 302(c)(15).

1 should have been filed on October 19, 2013. (See ECF Nos. 13 (Notice of Lodging Social  
2 Security Administrative Transcript; 7 at 2 (Scheduling Order providing that plaintiff's summary  
3 judgment briefing is to be filed 45 days after plaintiff is served with a copy of the administrative  
4 record).) Yet the stipulation requesting an extension of time was not filed until November 6,  
5 2013. Further, the events giving rise to the requested extension appear primarily workload-  
6 related, such as the vague need to "fully research" issues. These workload-related hurdles were  
7 presumably apparent to counsel before the filing deadline, and plaintiff's counsel offers no  
8 explanation regarding the delay in seeking the court's approval of the extension.


9 Accordingly, the undersigned denies the stipulation without prejudice to refiling, and any  
10 such refiling should include a full explanation of the basis for the requested extension and the  
11 reason for the apparent delay in seeking it.

12 For the foregoing reasons, IT IS HEREBY ORDERED that:

13 Plaintiff's Stipulation For Extension Of Time To File Motion (ECF No. 14) is denied  
14 without prejudice to refiling.

15 IT IS SO ORDERED.

16 Dated: November 12, 2013

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19 KENDALL J. NEWMAN  
20 UNITED STATES MAGISTRATE JUDGE  
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