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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, 2013.¹ (ECF No. 14.) Plaintiff’s filing stated only that he needed “additional time to fully research the issues presented,” which was not a valid basis upon which to request an extension, and moreover, it appeared that plaintiff’s counsel waited until November 6, 2013 — weeks after the deadline of October 19, 2013 — before asking the court to extend the deadline at issue. 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.”). Accordingly, on November 13,

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

1 2013, the undersigned denied the stipulation without prejudice to refile, and required plaintiff's
2 counsel to further explain the basis of the requested extension and the reason for his delay in
3 requesting it. (ECF No. 15.)

4 On November 13, 2013, plaintiff's counsel filed the motion for summary judgment. (ECF
5 No. 16.) The next day, on November 14, 2013, plaintiff's counsel filed a "Response" to the
6 undersigned's order of November 13, 2013. (ECF No. 17.) In his Response, counsel admitted
7 that "The Court is correct to note Plaintiff's Motion for Summary Judgment should have been
8 filed on or before October 19, 2013." (Id. at 2.) Counsel explained that a "calendaring mistake"
9 caused him to miss the filing deadline, and that he "takes full responsibility for the error and
10 respectfully requests [that] this Court find [that the] Motion for Summary Judgment [was] timely
11 filed." (Id.)


12 The undersigned is troubled by the weeks-long delay in filing plaintiff's motion, even
13 accepting that a "calendaring mistake" was made. Given that defendant has stipulated (ECF No.
14 14) to the late-requested extension and thus to the late filing of the motion, however, the
15 undersigned deems the motion timely.

16 It is HEREBY ORDERED THAT:

17 Because defendant stipulated (ECF No. 14) to plaintiff's late-requested extension and thus
18 to the late filing of the motion for summary judgment (ECF No. 16), and given the
19 representations made within plaintiff's counsel's filing at ECF No. 17, the undersigned deems
20 plaintiff's late motion for summary judgment (ECF No. 16) as timely filed.

21 IT IS SO ORDERED.

22 Dated: November 25, 2013

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25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE
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