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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   GREGORY A. CABRAL,   No. 2:14-cv-0963-KJN

12   Plaintiff,

13   v.   ORDER

14   COMMISSIONER OF SOCIAL
     SECURITY,
15
                Defendant.
16

17   The court previously granted plaintiff an extension to file his motion for summary

18   judgment no later than November 25, 2014. (ECF No. 16.) Several days after that deadline, on

19   December 3, 2014, plaintiff filed his motion for summary judgment, along with a stipulation to

20   retroactively modify the briefing schedule. (ECF Nos. 17, 18.)

21   The stipulation merely indicates that plaintiff needed an extension to properly address the

22   issues within the administrative record. (ECF No. 18.) That reason, in itself, is not a sufficient

23   reason to seek a retroactive extension of time. Counsel entirely fails to explain why he could not

24   have timely sought an extension on such grounds prior to the expiration of the deadline. Here,

25   because the Commissioner has stipulated to the retroactive extension, and because no significant

26   prejudice resulted, the court will approve the requested modification to the briefing schedule.

27   However, counsel is cautioned that future requests for retroactive extensions of time will be

28   viewed with disfavor, and may result in the imposition of any appropriate sanctions, absent a

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showing of exceptional circumstances that could not have been anticipated.

Accordingly, IT IS HEREBY ORDERED that:

1. The stipulation for modification of the briefing schedule (ECF No. 18) is APPROVED.

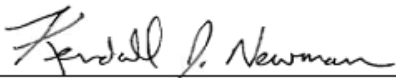2. Plaintiff's motion for summary judgment is deemed timely filed on December 3, 2014.

3. The Commissioner shall file any opposition no later than January 7, 2015.

4. Plaintiff shall file any reply brief no later than January 19, 2015.

IT IS SO ORDERED.

Dated: December 8, 2014

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE