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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

ROXANNE NUNEZ, Plaintiff, vs. CAROLYN COLVIN, Acting Commissioner of Social Security,[1] Defendant.	Civil No. 2:24-cv-03141-CKD STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE THE ELECTRONIC CERTIFIED ADMINISTRATIVE RECORD AS THE ANSWER TO PLAINTIFF'S COMPLAINT

Pending the Court's approval, the parties stipulate through their respective counsel that Defendant, the Commissioner of Social Security (the "Commissioner"), shall have a thirty-day

[1] Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn Colvin should be substituted for Martin O'Malley as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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extension of time to respond to Plaintiff's Complaint in this case from January 13, 2025, up to and including February 12, 2025. In support of this request, the Commissioner respectfully states as follows:

1. Defendant's response to Plaintiff's Complaint is due to be filed by January 13, 2025. Defendant has not previously requested an extension of this deadline.
2. In accordance with the Federal Rules of Civil Procedures, recently amended to add Supplemental Rules for Social Security review cases under 42 U.S.C. § 405(g), the Commissioner files a certified administrative record (CAR) as the Answer to a Complaint for review.
3. Counsel for the Commissioner has been informed by the client agency, which is the Social Security Administration, Office of Appellate Operations, that the CAR is not fully prepared in this matter. The client agency therefore needs more time to prepare the CAR for the Court's review.
4. For this reason, Defendant requests an extension to February 12, 2025 (30 days), to file an Answer or other response in this matter.
5. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that she has no objection to this extension request.
6. This request is made in good faith and is not intended to delay the proceedings in this matter.
7. I am attempting to preserve limited judicial resources and have applied the most rapid response under the circumstances.

WHEREFORE, Defendant requests until February 12, 2025, to respond to Plaintiff's Complaint.

Respectfully submitted,

DATE: January 14, 2025

Law Offices of Francesco Benavides

*/s/ Francesco Paulo Benavides**
FRANCESCO PAULO BENAVIDES
Attorney for Plaintiff
(*as authorized via email on January 7, 2025)

PHILLIP A. TALBERT
United States Attorney

MATHEW W. PILE
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration

DATE: January 14, 2025 By *s/ Justin L. Martin*
JUSTIN L. MARTIN
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to stipulation, it is so ordered.

Dated: January 14, 2025

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE