

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

R.C. v. Commissioner of Social Security

R.C. · No. 4:24-cv-07367-HSG · Decided May 12, 2025

SUMMARY

This document is a motion to extend the deadline for a plaintiff’s reply brief in a Social Security appeal. Plaintiff requests a 15-day extension under Federal Rule of Civil Procedure 6(b)(1)(A), citing newly received medical evidence and counsel’s recent diagnosis of metastatic cancer. The court approved the requested extension on May 12, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 12, 2025
DOCKET	4:24-cv-07367-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 6(b)(1)(A) for a 15-day extension of time to file a reply brief in support of reversal of the Commissioner's decision. The court granted the requested extension.
PRECEDENTIAL VALUE	Nonprecedential interlocutory scheduling order

TOPICS

- civil procedure
- judicial review of agency action
- administrative law

PRACTICE AREAS

- Social Security
- federal civil procedure
- administrative law

QUESTIONS PRESENTED

- Whether Plaintiff had shown good cause under Federal Rule of Civil Procedure 6(b)(1)(A) for a 15-day extension of time to file the reply brief.

HOLDINGS

1. The court granted Plaintiff's unopposed request for a 15-day extension of time, allowing Plaintiff until May 24, 2025, to file the reply brief.

KEY QUOTATIONS

“Specifically, good cause exists to extend time because Plaintiff was diagnosed with metastatic cancer less than two weeks ago, and this week, undersigned counsel received over 900 pages of new medical evidence of diagnoses including squamous cell carcinoma and bone metastasis.” (at 1)

FACTUAL BACKGROUND

Plaintiff was diagnosed with metastatic cancer less than two weeks before the motion. Plaintiff's counsel received more than 900 pages of new medical evidence, including diagnoses of squamous cell carcinoma and bone metastasis, and believed the evidence might relate directly to issues in the case, including Plaintiff's hearing testimony. Counsel requested additional time to review the evidence and assess whether good cause existed to seek its addition to the administrative record.

PROCEDURAL HISTORY

Plaintiff's reply brief was due May 9, 2025. Plaintiff sought additional time because counsel had received more than 900 pages of new medical evidence shortly after Plaintiff was diagnosed with metastatic cancer and needed time to evaluate the evidence and determine whether to seek its incorporation into the administrative record. Defendant's counsel did not object to a 15-day extension, and the court approved the request on May 12, 2025.

DISPOSITION

other

CASES CITED

- Mayes v. Massanari, 276 F.3d 453, 463 (9th Cir. 2001)
- Key v. Heckler, 754 F.2d 1545, 1551 (9th Cir. 1985)

OPINION

Cutchlow v. O'Malley

PER CURIAM.

1 CAROLINE J. ALEGRE, SBN 271053

HOMELESS ACTION CENTER

2 2601 San Pablo Avenue 3 Oakland, CA 94612 Telephone: (510) 698-1097 4 Facsimile: (510) 858-7867 Email: calegre@homelessactioncenter.org 5 6 Attorney for Plaintiff 7 8

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 12 R.C.,)) Civil No. 4:24-cv-07367-HSG 13 Plaintiff,))

14 v.) MOTION TO EXTEND TIME TO FILE

) PLAINTIFF'S REPLY BRIEF; ORDER

15 Commissioner of Social Security,)) 16 Defendant.)) 17)) 18 19 Pursuant to FRCP Rule 6(b)(1)(A), Plaintiff hereby moves the Court to extend, until 20 May 24, 2025, the date to file Plaintiff's Reply Brief in Support of Reversal of the Decision of 21 the Commissioner. Plaintiff's Reply is due on or before May 9, 2025, however, undersigned 22 counsel needs more time to review the evidence and draft her Reply. 23 24 Specifically, good cause exists to extend time because Plaintiff was diagnosed with 25 metastatic cancer less than two weeks ago, and this week, Plaintiff's counsel received over 900 26 pages of new medical evidence of diagnoses including squamous cell carcinoma and bone 27 metastasis. Plaintiff's counsel's cursory review of the new evidence suggests to her that it may 28 be material, directly relating to evidence at issue in this case, including Plaintiff's hearing ! || testimony. Additional time is needed for Plaintiffs counsel to review the new evidence prior to 2 drafting the Reply, to assess whether good cause exists to file a motion requesting incorporation 3 1 of the new evidence into the record, per 42 U.S.C. § 405(g); *Mayes v. Massanari*, 276 F.3d 453, 5 || 463 (9th Cir. 2001) (quoting *Key v. Heckler*, 754 F.2d 1545, 1551 (9th Cir. 1985) ("If new 6 information surfaces after the Secretary's final decision and the claimant could not have || obtained that evidence at the time of the administrative proceeding, the good cause requirement 8 is satisfied.")). 9 0 Undersigned counsel has conferred with counsel for Defendant and counsel for 11 || Defendant has indicated no objection to a 15-day extension of time for Plaintiff to file her 12 || Reply. 13 14) Respectfully submitted May 9, 2025. 15 16 . By: /s/ Caroline J. Alegre

17 CAROLINE J. ALEGRE

8 Homeless Action Center Attorney for Plaintiff 19 20

ORDER

21 22 APPROVED AND SO ORDERED: 23

24 25 Dated: 5/12/2025 ff . 26 HON. HAYWOOD S. GILLIAM, JR. 57 United States District Court Judge 28 flaca NIRA ASDA ay W7247 DOCG