

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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GABRIEL HUICHAN, JR.,

Petitioner,

ORDER

v.

05-C-268-C

JOANNE B. BARNHART,  
Commissioner of Social Security,

Respondent.

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On August 7, 2006, petitioner submitted his application for an award of over \$19,000 in attorney's fees under the EAJA. *See* dkt. 20. On August 28, 2006, the Commissioner filed a timely response, claiming that this court should deny the application because petitioner's attorney filed it after the statutory deadline. *See* dkt. 21 at 3-4. Petitioner's reply brief was due on September 7 or 11, 2006, depending on how one counts; he did not file one. Instead, with no apparent sense of irony, on September 11, 2006, petitioner's attorney filed a motion for a two-week extension of his deadline, claiming that he's really busy. *See* dkt. 22 at 1-2.

According to this court's case management system, petitioner's attorney has filed 36 SSD appeals in this district since 1995. In seven of these cases he has asked for one deadline extension, in seven others he asked for two extensions, and in two cases he has asked for three.<sup>1</sup> (For what it's worth, the commissioner's attorneys also are addicted to requests for extensions,

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<sup>1</sup> *See* Cases 98-C-730-S, 99-C-167-X, 00-C-405-C, 00-C-715-C, 01-C-24-C, 01-C-388-C, 01-C-477-C, 02-C-257-C, 02-C-487-C, 03-C-164-S, 03-C-358-C, 03-C-587-C, 03-C-622-C, 04-C-822-S, 05-C-26-C, 05-C-129-C, and this case (October 4, 2005 motion for enlargement of time within which to file reply, dkt. 12).

but they haven't kept pace with Mr. Daley, and it's not up to the regional office whether to hire more attorneys to handle the workload).

Counsel's chronic problem with deadlines has been patent since 2003 at the latest, when counsel filed eight requests for extensions in four cases and was ordered by one judge in this court to stop asking for extensions and file his motion for summary judgment or face dismissal (#03-C-164-S). Counsel has had at least three years since then to beef up his staff, yet his requests for extensions continue unabated. Enough is enough. I will give counsel this one last extension: his reply brief is due on or before September 25, 2006. Hereafter, in any SSD case assigned to Judge Crabb, this court will not grant Attorney Frederick J. Daley or any attorney in his employ any extensions based on workload. Counsel should plan accordingly.

Entered this 13<sup>th</sup> day of September, 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge