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8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION
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11 BESSIE IRENE WALTZ,

12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA, et al.,

15 Defendants.
 16

CASE NO. 1:07-cv-01691-SMS

**STIPULATION TO CONTINUE BRIEFING
 OF OPPOSITION AND REPLY TO THE
 DEFENDANT'S MOTION TO DISMISS
 UNDER FEDERAL RULE OF CIVIL
 PROCEDURE 12(b)(6) FOR 30 DAYS;**

ORDER

17 WHEREAS, counsel to the plaintiff has been advised that the plaintiff in that certain litigation
 18 styled, *Marley v. United States*, 567 F.3d 1030 (9th Cir. June 1, 2009), intends to seek review of the
 19 Ninth Circuit's decision through the filing of a Petition for Writ of Certiorari with the United States
 20 Supreme Court; and

21 WHEREAS, the last day to file the Petition for Writ of Certiorari with the United States Supreme
 22 Court is August 31, 2009, 90 days following the date of the *Marley* decision; and

23 WHEREAS, counsel to plaintiff and defendant have met and conferred about this development
 24 and have agreed to continue further briefing concerning defendant's motion filed under rule 12(b)(6) for
 25 a period of 30 days, to permit time to review and analyze the Petition for Writ of Certiorari.

26 WHEREFORE, plaintiff and defendant, by and through their counsel, stipulate as follows:

27 1. The plaintiff's opposition to the defendants' rule 12(b)(6) motion shall be filed on or
 28 before September 21, 2009;

