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UNITED STATES DEPARTMENT OF HOMELAND SECURITY
7

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
10

11 JASDEV SINGH,

12 Plaintiff,

13 v.

14 UNITED STATES DEPARTMENT OF
HOMELAND SECURITY AND DOES 1-50,

15 Defendants.
16

1:12-cv-00498-AWI-SKO

**ORDER GRANTING
DEFENDANT'S EX PARTE
APPLICATION FOR FURTHER
15-DAY EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

(Docket No. 17)

17 The U.S. Department of Homeland Security, defendant, applies under Local Rule
18 144(c) for a further 15-day extension of the time under Fed. R. Civ. P. 12(a)(2) for
19 defendant's response to the complaint. The reason is that defense counsel needs more time to
20 confer with and obtain proof from one of the agencies concerned, to formulate defendant's
21 position, to write a responsive motion, and to obtain internal review of the motion before
22 filing. The scheduling constraints are explained in the accompanying counsel declaration.
23 The total period of previous extension of this time is 65 days. A suggested form of order is
24 included in the event this application is granted.

25 Dated: November 16, 2012

BENJAMIN B. WAGNER
United States Attorney

27 By: /s/ YHimel
YOSHINORI H. T. HIMEL
28 Assistant U.S. Attorney

1 COUNSEL DECLARATION

2 YOSHINORI H. T. HIMEL, under 28 U.S.C. 1746(2), declares as follows:

3 1. I am an Assistant United States Attorney and am assigned the captioned case.

4 2. By my calculation, after the initial 65-day extension of the time to respond to the
5 complaint, response is due November 21, 2012.

6 3. Defendant requests this second extension to be able to complete defense counsel's
7 consultation with another federal government law office to formulate and obtain proof for
8 defendant's factual and legal position on one issue in response to the complaint, to finish
9 drafting the response in conformity with that position, and to obtain and respond to internal
10 review of the response.

11 4. In addition, defense counsel has three dispositive papers due November 21, 2012,
12 including this response; an opposition to amendment and motion to sever in a second case;
13 and a response to a voluminous objection to the Magistrate Judge's dispositive findings and
14 recommendations in a third case.

15 5. In the undersigned's opinion, it will take until November 29, 2012, to arrive at
16 defendant's position on a remaining question, obtain factual support if any, and incorporate
17 the position in defendant's response. Then, counsel will need to submit the response for
18 internal review, make the response final, and file it. That process is expected to take an
19 additional week, that is, until December 6, 2012.

20 6. By letter dated November 13, 2012, I asked plaintiff for his position on an
21 extension of this time. A copy of the letter is attached hereto.

22 7. I have not received any response from plaintiff.

23 8. In my opinion, the requested period of extension will suffice to perform the needed
24 tasks. No previous request for this extension has been made or granted.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed on
26 November 16, 2012.

27 /s/ YHimel
28 YOSHINORI H. T. HIMEL

ORDER

Upon defendant's ex parte application, good cause having been shown, defendant's time to respond to the complaint is further EXTENDED until **December 6, 2012**.

IT IS SO ORDERED.

Dated: November 19, 2012 /s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE