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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-498-AWI-SKO-PS

**DEFENDANT'S EXPARTE
APPLICATION FOR INITIAL
ONE-WEEK EXTENSION OF
TIME TO REPLY; ORDER**

17 The U.S. Department of Homeland Security, defendant, applies under Local Rule
18 144(c) for an initial one-week extension of the time under L.R. 130(I) for defendant to reply
19 to plaintiff's opposition to the pending dismissal motion. The reason is that defense counsel
20 needs the added time to obtain information from an agency for the reply. No previous
21 extension of this time has been sought or granted. A suggested form of order is included in
22 the event this application is granted.

23 Dated: December 28, 2012

BENJAMIN B. WAGNER
United States Attorney

24
25 By: /s/ YHimel
26 YOSHINORI H. T. HIMEL
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. I received plaintiff's papers opposing defendant's pending dismissal and summary
5 judgment motion electronically on December 26, 2012, and by mail on December 27, 2012.
6 Because plaintiff says he served the papers on December 19, 2012, by my calculation reply is
7 due January 2, 2013, only three court days from the opposition's first receipt.

8 3. To prepare a reply, I need further agency information. I estimate that the needed
9 information can be obtained in time for a reply filing by January 9, 2012.

10 4. By letter dated December 28, 2012, copied by fax, I asked plaintiff for his position
11 on an extension of this time. A copy of the letter is attached hereto.

12 5. I have not received a response from plaintiff.

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

15 I declare under penalty of perjury that the foregoing is true and correct. Executed on
16 December 28, 2012.

17 /s/ YHimel
18 YOSHINORI H. T. HIMEL

19 ORDER

20 Upon defendant's ex parte application, good cause having been shown, defendant's
21 time to reply to plaintiff's opposition to dismissal is EXTENDED until January 9, 2013.

22 IT IS SO ORDERED.

23 **Dated:** December 28, 2012 /s/ Sheila K. Oberto
24 UNITED STATES MAGISTRATE JUDGE