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

10
11 JESUS GONZALEZ,
12 Plaintiff,
13 v.
14 UNITED STATES DEPARTMENT OF
JUSTICE,
15 Defendant.
16

CASE NO. 1:13-CV-00575-LJO-SKO

**STIPULATION AND ORDER TO VACATE
HEARING AND TO EXTEND DEADLINE
TO FILE REPLY PAPERS**

ADDITIONAL COURT LANGUAGE ADDED

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18 It is hereby stipulated by and between the United States and Plaintiff Jesus
19 Gonzalez, by and through their respective attorneys, as follows:

- 20 1. On April 22, 2013, Plaintiff Jesus Gonzalez filed the instant complaint. *Jesus*
21 *Gonzalez v. United States Department of Justice*, 1:13-CV-00575-LJO-SKO,
22 *Complaint*, ECF No. 7.
23 2. On August 22, 2013, the United States filed its Motion to Dismiss. *Motion to*
24 *Dismiss*, ECF No. 11.
25 3. On September 13, 2013, Plaintiff Jesus Gonzalez filed his *Response* to the United
26 States' *Motion to Dismiss. Response to Motion to Dismiss*, ECF No. 14.
27

- 1 4. The extension of time is requested due to the press of business and current
 2 commitments by the United States, and in particular, the United States is currently
 3 preparing an opposition to a lengthy and complex matter, in case *Nottoli et. al., v.*
 4 *United States*, 1:13-MC-00049-BAM, due on the same date at the instant Reply is
 5 due (September 27, 2013). As such, the parties have stipulated and agreed to re-set
 6 the currently scheduled hearing and extend the time in which the United States is
 7 to file its *Reply* to Plaintiff's *Response to the Motion to Dismiss*.
- 8 5. For these reasons, the parties jointly agree and stipulate to the following new dates:

	CURRENT DATE	PROPOSED DATE
Hearing on USA's Motion to Dismiss:	October 4, 2013	October 25, 2013
USA's Reply to be filed by:	September 27, 2013	October 18, 2013

- 13 6. Additionally, given the current posture of the case, with a dispositive *Motion to*
 14 *Dismiss* pending, the parties jointly request that the currently scheduled
 15 Mandatory Scheduling Conference, set on Friday September 27, 2013, be vacated
 16 and reset, if necessary, upon the resolution of the pending *Motion to Dismiss*.

17 Dated: September 19, 2013

BENJAMIN B. WAGNER
 United States Attorney

/s/ Heather Mardel Jones
 HEATHER MARDEL JONES
 Assistant United States Attorney

21 Dated: September 19, 2013

/s/ Rodney Rusc, Jr.
 RODNEY RUSCA, JR.
 Attorney for Plaintiff Jesus Gonzalez
 (original signature retained by attorney)

ORDER

25 Based on the parties' stipulation, this Court:

- 26 1. **VACATES** the October 4, 2013 hearing on the Government's motion to
 27 dismiss and **ELECTS** not to reset the hearing; and

