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25 UNITED STATES DISTRICT COURT
26 EASTERN DISTRICT OF CALIFORNIA

27 SEANLIM YITH and SEAK LEANG YITH,)
28)
29 Plaintiffs,)

30 v.)

31 KIRSTJEN NIELSEN, in her Capacity)
32 as Secretary for Department of)
33 Homeland Security, *et al.*,)
34 Defendants.)

35 Case No.: 1:14-cv-01875-LJO-SKO

36 **JOINT MOTION TO CONTINUE**
37 **SCHEDULING CONFERENCE; ORDER**
38 **(Doc. 86)**

39 The parties, by and through undersigned counsel, hereby respectfully request a
40 continuance of the scheduling conference and extension to file the joint scheduling report until,
41 and if necessary, 30 days after the Court issues an order regarding the pending motion to remand.

1 The parties filed a joint scheduling report on July 10, 2018. Joint Scheduling Report,
2 ECF No. 75. The parties appeared before the Court for a scheduling conference on July 17,
3 2018, and the government therein expressed its intention to file a motion to remand the matter to
4 Defendant U.S. Citizenship and Immigration Services (“USCIS”) for prompt adjudication of
5 Plaintiffs’ naturalization applications. *See* July 17, 2018 Minutes, ECF No. 76. The parties
6 submitted a proposed briefing schedule for the motion to remand which the Court adopted on
7 July 17, 2018. *See* July 17, 2018 Minute Order, ECF No. 77. The Court also continued the
8 mandatory scheduling conference to November 8, 2018, and ordered the parties to file an
9 updated joint scheduling conference report at least seven days prior to the conference. *Id.*

10 The government filed its motion to remand on July 31, 2018, ECF No. 78, Plaintiffs filed
11 their opposition on August 23, 2018. ECF No. 79. On September 13, 2018, the government
12 filed a reply in support of its motion to remand. ECF No. 81.

13 On September 21, 2018, the Court vacated the hearing on the proposed motion for
14 remand and took the matter under submission on the papers. *See* ECF No. 85. To date, the
15 Court has not issued a decision on the government’s motion to remand.

16 The parties agree that no amendments to the joint scheduling report currently filed with
17 the Court, ECF No. 75, are necessary at this time and while the Court has the government’s
18 motion to remand under submission. The parties respectfully request that the Court continue the
19 scheduling conference, currently scheduled for November 8, 2018, until, and if necessary, 30
20 days after the Court issues an order on the pending motion to remand.

21 The parties request this continuance to conserve judicial resources as neither party
22 anticipates amending the joint scheduling report until, and if necessary, the Court issues an order
23 on the pending motion to remand. This is the first request for an extension of time to file the
24 joint scheduling report as ordered by the Court on July 17, 2018.

1 Dated: October 29, 2018

Respectfully submitted,

2 /s/ Bruce Leichty

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1 **ORDER**

2 The Court, having considered the Joint Motion to Continue Scheduling Conference (the
3 “Motion”) (Doc. 86), hereby GRANTS the Motion.

4 The Scheduling Conference currently set for November 8, 2018, is **CONTINUED to**
5 **December 11, 2018, at 10:15 AM in Courtroom 7 (SKO) before Magistrate Judge Sheila K.**
6 **Oberto.** The parties shall file an updated joint scheduling report by at least seven days prior to
7 the continued Scheduling Conference.

8
9 IT IS SO ORDERED.

10 Dated: October 29, 2018

/s/ Sheila K. Oberto
11 UNITED STATES MAGISTRATE JUDGE