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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**

10 JOHANA MARTINEZ, ) Case No. 1:16-cv-01556 LJO-SKO  
11 Plaintiff, )  
12 v. ) **STIPULATION TO EXTEND**  
13 UNITED STATES OF AMERICA, ) **DEADLINE TO FILE PRE-TRIAL**  
14 Defendant. ) **CONFERENCE STATEMENT AND**  
15 ) **TO CONTINUE PRE-TRIAL**  
16 ) **CONFERENCE; ORDER**

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18 Plaintiff Johana Martinez (“Plaintiff”) and Defendant United States (“Defendant”),  
19 (collectively “the parties”), stipulate, by and through their undersigned counsel, and request that the  
20 deadline to file the pre-trial conference statement be continued from January 30, 2019, to February  
21 20, 2019, and that the pre-trial conference be continued accordingly based on the following:

22 At the end of the day on December 21, 2018, the appropriations act that had been funding the  
23 Department of Justice expired and appropriations to the Department lapsed. The Department does  
24 not know when funding will be restored.

25 Absent an appropriation, Department of Justice attorneys and employees of the federal  
26 appellant are prohibited from working, even on a voluntary basis, except in very limited  
27 circumstances, including “emergencies involving the safety of human life or the protection of  
28

1 property.” 31 U.S.C. § 1342. That exception is not deemed to include most civil cases. Indeed, the  
2 undersigned Assistant U.S. Attorney is furloughed until appropriations to the Justice Department are  
3 restored.

4 Undersigned counsel therefore requests a continuance of approximately three weeks until  
5 Congress has restored appropriations to the Department. If this request is granted, undersigned  
6 counsel will notify the Court promptly after Congress has appropriated funds for the Department, and  
7 will propose rescheduling as appropriate.

8 For these reasons, the parties request that the court continue the deadline to file the pre-trial  
9 conference statement from January 30, 2019, to February 20, 2019, and continue the pre-trial  
10 conference from February 6, 2019, to February 28, 2019, or as soon thereafter as possible.

11 Respectfully submitted,

12 Dated: January 14, 2019

McGREGOR W. SCOTT  
United States Attorney

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14 By: /s/Jeffrey J. Lodge  
JEFFREY J. LODGE  
Assistant U.S. Attorney  
Attorneys for the United States

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16 Dated: January 14, 2019

ROBINS CLOUD LLP

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18 By: /s/Ari Friedman  
Ari Friedman  
Attorneys for Plaintiff

19  
20 **ORDER**

21 The deadline to file the pre-trial conference statement is February 20, 2019, and the pre-trial  
22 conference be continued to February 28, 2019 at 8:15 a.m..

23 IT IS SO ORDERED.

24  
25 Dated: January 15, 2019

/s/ Lawrence J. O’Neill  
UNITED STATES CHIEF DISTRICT JUDGE