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as Farm Loan Manger for the United States Department of Agriculture, Farm Service Agency
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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 TIMOTHY CLEVELAND,) Case No. 1:16-cv-01732-AWI-SAB
11)
Plaintiff,)
12)
v.)
13)
THOMAS C. HUNTON, et al.,)
14)
Defendants.)
15

16 **EX PARTE REQUEST TO EXTEND DEFENDANT’S TIME**
17 **TO RESPOND TO SECOND AMENDED COMPLAINT; ORDER**

18 The United States requests an extension of time for Thomas C. Hunton, in his official capacity
19 as Farm Loan Manger for the United States Department of Agriculture, Farm Service Agency,
20 (“Defendant”) to respond to the Second Amended Complaint of Timothy Cleveland (“Plaintiff”),
21 proceeding *pro se*, based on the following:

22 1. The defendant is an employee of the United States Department of Agriculture. He has
23 been sued in his official capacity under the Administrative Procedures Act (“APA”), based upon the
24 agency’s review of the decision to accelerate plaintiff’s loan. The defendant will be represented by
25 the United States Attorney's Office.

26 2. The Court recently entered an Order Adopting Findings and Recommendations and
27 Dismissing Certain Defendants and Claims. Doc. 13, 15. Additional time is required to gather
28 administrative records and discuss the alternatives, including whether to file a motion to dismiss

1 because the plaintiff did not complete the administrative review process before filing the complaint
2 and whether any plausible basis for relief exists.

3 3. In light of the foregoing, and to enable the United States Attorney's Office to respond
4 to the second amended complaint, it is respectfully requested that the Court extend the defendant's
5 time to respond by approximately thirty (30) days to and including September 22, 2017.

6 Respectfully submitted,

7 Dated: August 24, 2017

PHILLIP A. TALBERT
United States Attorney

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

12 **ORDER**

13 IT IS SO ORDERED that the Defendant's time to respond to the Second Amended Complaint
14 is extended to and including September 22, 2017.

15 IT IS SO ORDERED.

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17 Dated: August 24, 2017

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UNITED STATES MAGISTRATE JUDGE

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