

1 CHAD A. READLER

Acting Assistant Attorney General, Civil Division

2 WILLIAM C. PEACHEY

Director, District Court Section, Office of Immigration Litigation

3 AARON S. GOLDSMITH

Senior Litigation Counsel

4 District Court Section, Office of Immigration Litigation

5 U.S. Department of Justice

P.O. Box 868, Ben Franklin Station

6 Washington, D.C. 20044

7 Telephone: (202) 532-4107

Aaron.Goldsmith@usdoj.gov

8 AUDREY BENISON HEMESATH

9 U.S. Attorney's Office

10 501 I Street, Suite 10-100

Sacramento, CA 95814

11 Telephone: (916) 554-2886

Audrey.Hemesath@usdoj.gov

12 Attorneys for Defendants

13 UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 GURU RAM DAS ACADEMY, INC.,)

1:16-cv-01906-AWI-SAB

16)
17 Plaintiff,)

**Joint Stipulation and
Order Granting Extension of Time
to Respond to Amended Complaint**

18 v.)

19 JOHN KERRY, Secretary of State)

20 U.S. Department of State,¹ *et al.*,)

21 Defendants.)
22)
23)
24)
25)
26)

27 ¹ On February 1, 2017, Rex Tillerson was sworn in as Secretary of State, automatically
28 substituting for John Kerry, former Secretary, as a party in accordance with Federal Rule of Civil
Procedure 25(d).

1 The Federal Defendants respectfully request a 30-day extension of time, to answer, plead,
2 or otherwise respond to Plaintiff's Amended Complaint (until **June 2, 2017**) and that the status
3 conference scheduled for **May 9, 2017**, be postponed to a date to be set by the Court.

4 In furtherance of this Joint Stipulation, Federal Defendants advise the Court as follows:

- 5 1. This action is under the Administrative Procedure Act. Plaintiff filed a petition with
6 U.S. Citizenship and Immigration Services ("USCIS") to classify Kriti Arora as a
7 religious worker as defined by 8 U.S.C. § 1101(a)(15)(R). Although this petition was
8 granted by USCIS, the U.S. Department of State denied the visa application and
9 returned the matter to USCIS.
- 10 2. Subsequently, USCIS issued a Notice of Intent to Deny ("NOID") providing Plaintiff
11 with 33 days to provide additional evidence and supplement the record.
- 12 3. Plaintiff has now responded to the NOID, and USCIS is reviewing this response.
- 13 4. Plaintiff's counsel has indicated that if USCIS revokes the petition, he will amend the
14 Amended Complaint accordingly.
- 15 5. The Federal Defendants' response to the Amended Complaint is currently due May 1,
16 2017, per the district court's order (Dkt. 14) granting the Federal Defendants a 60-day
17 extension of time. Good cause exists for granting the Federal Defendants an
18 additional 30 days (until June 2, 2017) to answer, plead, or otherwise respond to
19 Plaintiff's Amended Complaint, given that there may be a change in the claims and
20 nature of the case based on subsequent administrative developments.
- 21 6. In addition, good cause exists for postponing the status conference scheduled for May
22 9, 2017. Federal Defendants' counsel respectfully requests that the status conference
23 not be scheduled the week of June 5-9 because he will be out of town that week.

24 WHEREFORE, Federal Defendants respectfully request that this Court grant a thirty-day
25 extension of time, until June 2, 2017, to answer, plead, or otherwise respond to the Amended
26 Complaint and that the status conference currently scheduled for May 9, 2017, be postponed as
27 well.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully Submitted,

CHAD A. READLER
Acting Assistant Attorney
General, Civil Division

WILLIAM C. PEACHEY
Director
District Court Section

s/ Aaron S. Goldsmith
AARON S. GOLDSMITH
Senior Litigation Counsel
District Court Section

AUDREY BENISON HEMESATH
U.S. Attorney's Office

Attorneys for Defendants

s/ David M. Sturman
signature by permission

Attorney for Plaintiff

ORDER

IT IS ORDERED, ADJUDGED, AND DECREED, that the Federal Defendants may have until **June 2, 2017**, to answer, plead, or otherwise respond to Plaintiff's Amended Complaint, and that the initial conference scheduled for **May 9, 2017**, will be postponed until July 25, 2017, at 10:45 a.m. before Magistrate Judge Stanley A. Boone. A joint scheduling report is due one week before the new conference date.

IT IS SO ORDERED.

Dated: April 24, 2017



UNITED STATES MAGISTRATE JUDGE