

1 PHILLIP A. TALBERT
United States Attorney
2 MICHAEL G. TIERNEY
KIRK E. SHERRIFF
3 Assistant United States Attorneys
2500 Tulare Street, Suite 4401
4 Fresno, CA 93721
Telephone: (559) 497-4000
5 Facsimile: (559) 497-4099

6 Attorneys for the United States of America

7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 SALMA AGHA-KHAN,

11 Plaintiff,

12 v.

13 BANK OF AMERICA, et al.,

14 Defendants.

CASE NO. 1:17-CV-0011 LJO

RESPONSE TO REQUEST FOR
U.S. ATTORNEY'S OFFICE TO PROSECUTE
AND PROPOSED ORDER FOR CONTINUANCE
OF TIME TO RESPOND

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17 The Court has requested that this Office indicate by February 20, 2017 whether it will prosecute
18 the contempt proceeding in this case. As this Office previously represented the bankruptcy judge
19 defendants and other federal parties in another case brought by the plaintiff, and anticipated that it would
20 be called upon to represent the federal defendants in the pending adversary proceeding, the Office
21 sought further guidance from the Department of Justice regarding the Court's request. On February 17,
22 2017, the Department of Justice formally recused this Office from the pending contempt proceeding and
23 assigned the Court's request to the United States Attorney's Office for the Northern District of
24 California (the "Northern District"). The Department of Justice further authorized the Northern District
25 to act on the Court's request with the authority ordinarily allowed by law to this Office.

26 This Office has been in contact with Assistant United States Attorney Gary G. Fry of the
27 Northern District, who will be responding to the Court's request. AUSA Fry requires additional time to
28 evaluate this matter before responding to the Court's request. The United States therefore requests a

1 one-week extension, through and including **February 27, 2017**, to file a Response. AUSA Fry may file
2 a further request for a continuance. However, at this time, the United States is not seeking a continuance
3 of the February 28, 2017 status conference date. AUSA Fry will be present in Fresno for another matter
4 on that date and believes that continuing that status conference is not necessary at this time. A proposed
5 order continuing the date for the Response appears below.

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8 Dated: February 17, 2017

Respectfully Submitted,

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10 PHILLIP A. TALBERT
United States Attorney

11 By: /s/ Michael G. Tierney
12 MICHAEL G. TIERNEY
13 KIRK E. SHERRIFF
14 Assistant U.S. Attorneys
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ORDER

The United States Attorney’s Office for the Northern District of California is requested to inform the Court by February 28, 2017, whether it will prosecute the contempt referral in this matter.

IT IS SO ORDERED.

Dated: **February 17, 2017**

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

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