

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOMINIQUE CLIFTON,

Plaintiff,

V.

UNITED STATES DEPARTMENT OF
JUSTICE, et al.,

Defendants.

Case No. 1:21-cv-00089-DAD-EPG

STIPULATION AND ORDER
TO EXTEND TIME FOR DEFENDANTS TO
FILE RESPONSE TO COMPLAINT

(ECF No. 9)

The parties to this action, through their attorneys, hereby stipulate and request that the Court enter an order further extending the time for defendants to file their response to the Complaint for Violation of Civil Rights, Declaratory and Injunctive Relief (“Complaint,” ECF No. 1) from July 16, 2021, to August 2, 2021. The parties jointly state the following facts in support of this stipulation:

1. On June 7, 2021, pursuant to a stipulation of the parties (ECF No. 7), the Court entered its Order Granting Stipulation and Proposed Order to Extend Time for Defendants to File Response to Complaint and for Continuance of Initial Scheduling Conference (“Order,” ECF No. 8). The Order established July 16, 2021, as the deadline for defendants to file their response to the Complaint and continued the Initial Scheduling Conference to August 25, 2021, at 10 a.m. in Courtroom 10.

2. Since the Court entered its Order, counsel for the parties have met and conferred and have exchanged information regarding the merits of the action and, in particular, whether under existing Ninth Circuit precedent the Complaint is subject to dismissal under Rule 12 of the Federal Rules of Civil Procedure.

3. The parties continue to meet and confer regarding these issues and request this continuance in order to allow time to exhaust these efforts and perhaps avoid unnecessary motion practice before the Court.

4. The parties submit that the requested extension will not necessitate further continuance of the Initial Scheduling Conference.

5. Due to inadvertently omitting the exhibit attachments in his original filing, Plaintiff will be re-filing his Complaint to include Exhibits A and B. There are no changes to the Complaint itself. The undersigned counsel agrees to accept service for all Defendants.

Respectfully submitted,

Dated: July 14, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ Benjamin E. Hall
BENJAMIN E. HALL
Assistant U.S. Attorney
Attorney for Defendant

Dated: July 14, 2021

MESSING ADAM & JASMINE LLP

/s/ Lina Balciunas Cockrell
LINA BALCIUNAS COCKRELL
Attorneys for Plaintiff

ORDER

Based upon the stipulation of the parties (ECF No. 9) and good cause appearing, IT IS
HEREBY ORDERED that defendants shall file their response to the Complaint no later than August
2, 2021.

IT IS SO ORDERED.

Dated: July 15, 2021

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE