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

10 UNITED STATES OF AMERICA,
 11 Plaintiff,

12 v.

13 KENNETH JOHN MALINOWSKI,
 14 Defendant.
 15

No. 2:10-cv-02362-WBS-EFB

EX PARTE APPLICATION FOR
 CONTINUANCE OF SCHEDULING
 CONFERENCE; ORDER THEREON

Date: June 13, 2011
 Time: 2:00 p.m.

16 _____ /
 17 Plaintiff the United States of America hereby requests a 30-day continuance of the Scheduling
 18 Conference presently set for June 13, 2011 at 2:00 p.m. The continuance is requested because new
 19 counsel has substituted into the case and needs additional time to become familiar with the issues.
 20 Additionally, Defendant has no telephone number on record and is not easily reached. The proposed
 21 Joint Status Report was express mailed to Defendant on June 1, 2011 and a reply requested. If the United
 22 States does not receive input from Defendant on the draft Joint Status Report by the filing deadline for
 23 the continued scheduling conference hearing, Plaintiff will file the report without Defendant's input.
 24 Additionally, based on comments that Mr. Malinowski made to this Court on February 16, 2011, that he
 25 was agreeable to terminating the lien, the United States has asked Defendant: 1) to concur in a
 26 stipulation to the entry of an Order by this Court permitting the California Secretary of State to expunge
 27 from her records the UCC1 Financing Statement complained of in this action and the related termination
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1 statement; 2) to agree to refrain from filing similar non-consensual liens against court and other
2 government personnel in the future; and 3) to agree to the dismissal of this action, each side to bear its
3 own costs. The parties will advise if a settlement is reached prior to the continued hearing. The Court's
4 consideration of this request is appreciated.

5
6 DATE: June 1, 2011

BENJAMIN B. WAGNER
United States Attorney

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8 By /s/ Kelli L. Taylor
9 KELLI L. TAYLOR
Assistant U.S. Attorney

10 Attorneys for the United States of America

11
12 **ORDER**

13 For good cause shown, the Scheduling Conference currently set for June 13, 2011 at 2:00 p.m.
14 shall be continued to July 20, 2011 at 10:00 a.m. in Courtroom No. 24 and shall be heard by the
15 undersigned pursuant to Local Rule 302(c)(21). On or before July 6, 2011, the parties shall file a Joint
16 Status Report, as provided in the September 2, 2010 order.¹ The parties shall advise the Court if a
17 settlement is reached prior to the continued hearing.

18 SO ORDERED.

19 DATED: June 3, 2011.

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21 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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¹ If the parties are unable to prepare a joint status report, each party shall file a separate status report on or before July 6, 2011.