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

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11 BRIAN M. GLASGOW,  
 12 Plaintiff,  
 13 v.  
 14 BRUCE MUTTER,  
 15 Defendant.

2:10-cv-2858 FCD CMK PS

**STIPULATION AND ORDER FOR  
 INITIAL EXTENSION OF RESPONSE  
 DATE AND RESETTING OF  
 BRIEFING SCHEDULE**

Date: Sep. 8, 2011  
 Time: 10:00 AM  
 Judge: CMK

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17 The parties jointly request modification of the Order filed March 4, 2011, as follows:

- 18 (1) to extend the Fed. R. Civ. P. 12 date for response to the complaint by seven weeks,  
 19 from April 15, 2011, until June 3, 2011; and  
 20 (2) if the response is a motion, to reset the briefing schedule so that plaintiff's opposition is  
 21 due to be filed by June 30, 2011, defendant's reply is due to be filed by July 27, 2011,  
 22 and hearing before Judge Kellison is September 8, 2011, at 10:00 a.m.

23 The reason for this request is that a chain of paperwork that impacts the substance of  
 24 the defenses to be asserted needs to go from defendant Mutter to his commanding officer in  
 25 Sacramento, from the commanding officer to Army headquarters, from Army headquarters to  
 26 the Civil Division of the Department of Justice in Washington DC, from the Civil Division to  
 27 the United States Attorney's Office in Sacramento, from the United States Attorney's Office to  
 28 the defendant, and from the defendant to the United States Attorney's Office, in that order.

1 The paperwork has been delayed unexpectedly. At this writing, defense counsel understands  
2 that the second link in the chain, that is, from the commanding officer to Army headquarters,  
3 is pending. Counsel expects that the full chain of paperwork will be completed in time to  
4 make the complaint response by the requested date of June 3, 2011.

5 The briefing schedule is designed to accommodate plaintiff's and defense counsel's  
6 scheduled absences in August 2011.

7 The total requested extension of the response date is seven weeks. No extension of  
8 this time has been requested or granted before now.

9  
10 Dated: April 10, 2011

/s/ Brian M. Glasgow  
BRIAN M. GLASGOW  
Plaintiff Pro Se

11  
12 Dated: April 6, 2011

BENJAMIN B. WAGNER  
United States Attorney

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14 By: /s/ YHimel  
YOSHINORI H. T. HIMEL  
Assistant U. S. Attorney

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17 ORDER

18 Good cause appearing, the date for response to the complaint is EXTENDED from  
19 April 15, 2011, until June 3, 2011. If the response is a motion, hearing shall be set before  
20 Judge Kellison for September 8, 2011, at 10:00 a.m., and the briefing schedule set by Order  
21 filed March 4, 2011, is RESET so that plaintiff's opposition is due to be filed by June 30,  
22 2011, and defendant's reply is due to be filed by July 27, 2011.

23 It is APPROVED and SO ORDERED.

24  
25 DATED: April 15, 2011

Craig M. Kellison  
CRAIG M. KELLISON  
UNITED STATES MAGISTRATE JUDGE