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15 *Attorneys for Petitioner, ALBERTINA RAMIREZ*
 16 *as next friend of P.A., a minor.*

17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

19 ALBERTINA RAMIREZ, as next friend of
 20 P.A., a minor,
 21
 22 Petitioner,
 23
 24 v.
 25 SYLVIA MATTHEWS BURWELL, et al.,
 26
 27 Respondents.

No. 2:16-cv-1511-TLN EFB P

**STIPULATION AND PROPOSED ORDER
 ON PETITIONER'S EMERGENCY
 MOTION RE: PSYCHOLOGICAL
 EVALUATION**

28 Pursuant to Local Rules 143 and 144, the parties hereby enter the following stipulation
 and ask the Court to enter it as an Order.

Whereas, the Office of Refugee Resettlement (ORR) has scheduled a psychological
 evaluation of P.A. on Monday, December 12, 2016, at 9:00 a.m., and

Whereas, counsel for Petitioner takes the position that Rule 35 of the Federal Rules of
 Civil Procedure applies to this examination, and that the government has not at this point either
 moved for a Rule 35 examination or demonstrated good cause for same, and

Whereas, counsel for Petitioner has asked to be allowed to attend any psychological

Stipulation and ~~Proposed~~ Order re: Emergency Motion – No. 2:16-cv-01511-TLN-EFB

1 examination of P.A. and ORR has denied that request, and

2 Whereas, Petitioner has filed an Emergency Motion Re: Psychological Examination on
3 December 5, 2016, and

4 Whereas, this case is already on the Court's calendar for December 7, 2016, on
5 Petitioner's Motion for Leave to File Supplemental Complaint, and

6 Whereas, the parties desire to secure Court resolution of the issues surrounding the
7 psychological examination prior to the scheduled examination of December 12, 2016, if at all
8 possible, therefore

9 1. The hearing on Petitioner's Emergency Motion Re: Psychological Examination is
10 hereby set for December 7, 2016, at 10:00 a.m. before the undersigned, and

11 2. Counsel for Respondents, Vinita Andrapalliyal, may appear at the hearing
12 telephonically.

13 Respectfully submitted

14
15 Dated: December 5, 2016

/s/ Carter C. White

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17 _____
Carter C. White
Counsel for Petitioner

/s/ Vinita B. Andrapalliyal

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19 _____
Vinita B. Andrapalliyal
Counsel for Respondents

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21 IT IS SO ORDERED.

22 Dated: December 6, 2016

23 _____
EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE

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28 Stipulation and ~~Proposed~~ Order re: Emergency Motion – No. 2:16-cv-01511-TLN-EFB