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FILED
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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.)
15 KURT F. JOHNSON,)
16 Defendant.)

No. 08-2325-JSW

**UNITED STATES' SECOND REQUEST TO
EXTEND DATE OF CASE MANAGEMENT
CONFERENCE; AND [PROPOSED]
ORDER**

17
18 The government hereby respectfully asks this Court to again extend the date of the case
19 management conference in the above-captioned matter, currently scheduled for November 14,
20 2008, in light of the following:

- 21 1. The government filed the above-entitled action on May 5, 2008.
22 2. In response to the complaint, the defendant filed a "Motion to Quash – Demur – Bill of
23 Particulars."
24 3. This Court denied the defendant's motion on September 26, 2008.
25 4. The defendant failed to file an answer to the complaint within 10 days after notice of this
26 Court's September 26, 2008 Order, in accordance with Federal Rule of Civil Procedure
27 12(a)(4)(A).
28 5. On October 27, 2008, however, this Court granted the defendant's request for an extension
of time to file an answer. The Court granted defendant until November 10, 2008, to file his

REQUEST TO EXTEND DATE OF CMC; AND ~~PROPOSED~~ ORDER

1 answer.

2 6. In light of the fact that the time within which the defendant may file an answer has not yet
3 expired, the government respectfully asks this Court to extend the date of the case management
4 conference by several weeks. If the defendant files an answer, the government will be better able
5 to prepare a current case management statement in advance of the reschedule case management
6 conference.

7 7. The government wishes to inform the Court that the defendant is currently housed at FCI
8 Herlong, Federal Correctional Institution, P.O. Box 800, Herlong, CA, 96113. However, whether
9 absurd or not, the defendant has made it clear in his Notice of the Appointment of Counsel that
10 "any further correspondence regarding this matter" should be directed to the Warden of Safford
11 Correctional Institution in Safford, Arizona, and that "Defendant will not respond to any
12 solicitation made directly to him." Docket 33.

13
14 Dated: November 6, 2008

Respectfully submitted,

15 JOSEPH R. RUSSONIELLO
16 United States Attorney

17 /s/
18 EDWARD A. OLSEN
Assistant United States Attorney

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20
21 **ORDER**

22 Pursuant to the government's request to extend the date of the case management conference,
23 the case management conference is hereby extended to _____, 2008.

24
25
26
27 Dated: November ____, 2008

28 
JEFFREY S. WHITE
United States District Judge

REQUEST TO EXTEND DATE OF CMC; AND ~~PROPOSED~~ ORDER

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

KURT F. JOHNSON et al,

Defendant.

Case Number: CV08-02325 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 7, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kurt F. Johnson
#13177-081
FCI Dublin
5701 8th Street-Camp Parks
Dublin, CA 94568

Dated: November 7, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk