

1 Plaintiff Marvin Edward Ellis, Pro Se, and Defendant Margaret Spellings, Secretary, United
2 States Department of Education (“Defendant”) by and through its undersigned counsel, hereby stipulate
3 as follows:

4 WHEREAS, Defendant requested and Plaintiff agreed to grant Defendant an extension of time to
5 respond to the Complaint until January 30, 2009.

6 WHEREAS the parties are to appear on February 12, 2009 for a Case Management Conference
7 (“CMC”).

8 WHEREAS Defendant understands Plaintiff resides out of state and does not oppose his request to
9 appear telephonically at the February 12, 2009 CMC.

10 ACCORDINGLY, the parties agree that Defendant has until January 30, 2009 to file a response
11 to the Complaint and request that the Court order the same. The parties further agree that Plaintiff may
12 appear telephonically at the February 12, 2009 CMC and request that the Court order the same.

13 **IT IS SO STIPULATED**

14 DATED: January 8, 2009

PLAINTIFF

15 _____/s/
16 Marvin Edward Ellis, In Pro Per

17 DATED: January 8, 2009

JOSEPH RUSSONIELLO
United States Attorney

18 _____/s/
19 Victoria R. Carradero
20 Assistant United States Attorney
21 Attorneys for Defendant

22 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

23 DATED: January 8, 2009

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25 
26 The Honorable Maria-Elena James
27 United States Magistrate Judge
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