Ellis v. Spellings Doc. 23

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Plaintiff

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Attorneys for Defendant

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MARVIN EDWARD ELLIS, PRO SE Plaintiff, v. MARGARET SPELLINGS, SECRETARY, UNITED STATES DEPARTMENT OF EDUCATION Defendant.	NO. C 08-4349-MEJ STIPULATION AND ~~[PROPOSED]~~ ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE AND DEADLINE TO RESPOND TO THE COMPLAINT

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

WHEREAS, the Case Management Conference ("CMC") in this matter is currently set for March 12, 2009.

WHEREAS Defendant's due date to respond to the Complaint is March 6, 2009.

WHEREAS Defendant intends to file a motion to strike/motion for a more definite statement because Defendant contends the Complaint is too vague and uncertain for Defendant to respond and suffers from other defects.

WHEREAS the parties are in the process of meeting and conferring on these matters to avoid a motion if possible and to appear at a CMC with an operative Complaint. Additionally, Plaintiff has sought legal guidance about the Complaint as drafted and would like additional time and opportunity for that purpose.

ACCORDINGLY, the parties request that the Court continue the Case Management Conference from March 12, 2009 until April 30, 2009 and continue the due date for Defendant to respond to the Complaint from March 6, 2009 until April 23, 2009 so that the parties can work through these issues.

IT IS SO STIPULATED

DATED: February 24, 2009

PLAINTIFF

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

DATED: February 24, 2009

JOSEPH RUSSONIELLO
United States Attorney

_____/s/_____
Victoria R. Carradero
Assistant United States Attorney
Attorneys for Defendant

PURSUANT TO STIPULATION IT IS SO ORDERED.

DATED: February 26, 2009

_____
The Honorable Maria-Elena James
United States Magistrate Judge