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10 Attorneys for Federal Defendants

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 E.K. WADE,)
 15) Plaintiff,)
 16) v.)
 17 WOODY GILLIAND, in his Individual)
 18 capacity; WILLIAM SMITHERMAN; in his)
 19 Individual capacity; GEORGIA MARTIN,)
 20 in her Individual capacity; ALICE YOUNG,)
 21 NELSON, in her Individual capacity;)
 22 KATHYANN BATISTE, in her Individual)
 capacity; and BERLENE ROBERTS, in her)
 Individual capacity;)
 23) Defendants)

No. C-10-00425 SI

**JOINT STIPULATION AND
 [PROPOSED] ORDER TO EXTEND
 TIME TO FILE RESPONSIVE
 PLEADING AND OR ANSWER**

24 WHEREAS, on April 1, 2010 at approximately 2:20 p.m., plaintiff E.K. Wade informed
 25 Assistant United States Attorney, Melissa K. Brown via telephone that he was personally present
 26 when the United States Attorney's Office on the 11th floor of 450 Golden Gate Avenue, San
 27 Francisco, CA 94102, in the criminal division was served with the summons and complaint in the
 28 above-captioned action;

WHEREAS, Assistant United States Attorney, Melissa K. Brown in the civil division
 located on the 9th Floor of 450 Golden Gate Avenue, San Francisco, CA, 94102 and the civil

1 division paralegal were not made aware of this fact and mistakenly believed the summons and
2 complaint to have been sent via overnight mail, and thus not in compliance with Rule 4 of the
3 Federal Rules of Civil Procedure;

4 WHEREAS, pursuant to the Federal Rules of Civil Procedure, the responsive pleading is
5 due on April 2, 2010;

6 WHEREAS, on April 1, 2010, the parties have agreed to extend the time for the Federal
7 Defendant to file and serve a responsive pleading until April 9, 2010;

8 ACCORDINGLY, it is agreed that the Federal Defendant shall have until April 9, 2010 to
9 file a responsive pleading and or Answer in the above-captioned matter.

10 So Stipulated.

11 DATED: April 1, 2010

Respectfully submitted,

JOSEPH P. RUSSONIELLO

United States Attorney

14 *is Melissa K. Brown*

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MELISSA K. BROWN
Assistant United States Attorney

18 *is E.K. Wade*

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E.K. WADE
Pro Se Plaintiff

20 Dated: April 1, 2010

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PROPOSED ORDER

Pursuant to the stipulation of the parties, the Federal Defendant shall have until April 9, 2010 to file a responsive pleading and/or Answer in the above-captioned matter.

IT IS SO ORDERED

Dated: _____



SUSAN ILLSTON
United States District Court Judge