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October 29, 2010

The Honorable Maria-Elena James  
 United States District Court  
 Northern District of California

RE: Moore v. Contra Costa College District  
 Case. No. C09-04781  
Request for extension of time to file responsive pleading

Dear Judge James:

Our firm represents the defendant, Contra Costa College District, and I am requesting an extension of time to respond to the plaintiff's Second Amended Complaint due to a calendaring error.

On August 26, 2010, the Court issued an Amended Order granting defendant's motion to dismiss in part and denying it in part. The Court ordered plaintiff to file a second amended complaint (if he chose to amend) within 30 days of the date of the Order. Defendant was ordered to respond to the Complaint within 20 days thereafter.

Plaintiff, who is *in pro per*, filed a Second Amended Complaint on September 27, 2010. Because this complaint was not served on our firm by the plaintiff, the response date erroneously was not entered into our calendaring system. Consequently, we are not in compliance with the Court's Order, which would have required us to respond by October 18, 2010.

I just became aware of this calendaring error today and, therefore, request a brief extension of time to respond to the Second Amended Complaint. On reviewing that complaint, I believe it contains serious deficiencies which render it subject to a motion to dismiss the retaliation claim entirely. I am in the process of preparing a motion to dismiss, and it will be ready for filing within a week of the date of this letter.

Thank you for your consideration.

Sincerely,

/s/

Nancy A. Huneke

cc: Robert Moore

The responsive pleading shall be filed by November 5, 2010.

