

1 TONY WEST
 Assistant Attorney General, Civil Division
 2 DAVID J. KLINE
 Director
 3 J. MAX WEINTRAUB (VA 36188)
 Senior Litigation Counsel
 4 LANA L. VAHAB (DC 976203)
 Trial Attorney
 5 United States Department of Justice
 Civil Division
 6 Office of Immigration Litigation
 District Court Section
 7 P.O. Box 868, Ben Franklin Station
 Washington, D.C. 20044
 8 Tel: (202) 532-4067
 Fax: (202) 305-7000
 9 Email: lana.vahab@usdoj.gov



10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION
 14

15	BERNARDO MENDIA,)	No. C 10-03910 MEJ
)	
16	Plaintiff,)	JOINT STIPULATION TO EXTEND
)	DEFENDANTS' TIME TO ANSWER
17	v.)	PLAINTIFF'S AMENDED COMPLAINT
)	
18	JOHN M. GARCIA, <i>et al.</i> ,)	Honorable Maria-Elena James
)	
19	Defendants)	

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JOINT STIPULATION TO EXTEND DEFENDANTS' TIME TO ANSWER PLAINTIFF'S AMENDED COMPLAINT
 Case No. C 3:10-3910-MEJ

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The parties, *pro se* Plaintiff Bernardo Mendia (“Mendia”), and Defendants, through their counsel Lana L. Vahab, hereby agree and stipulate as follows:

1. Mendia filed this Complaint on August 31, 2010. (ECF No. 1.)
2. On May 9, 2011, Defendants filed their Motion to Dismiss, with a noticed hearing date of August 11, 2011. (ECF No. 20.)
3. On July 28, 2011, Mendia filed a “Request to File an Amended Complaint.” (ECF No. 25.)
4. On July 29, 2011, the Court granted Mendia’s Request and allowed him until August 11, 2011, to file an amended complaint. (ECF No. 27.) The Court also ordered Defendants to respond to Mendia’s amended complaint twenty days after its filing . (*Id.*)
5. On August 11, 2011, Mendia filed his Amended Complaint. (ECF No. 28.) The Amended Complaint adds a number of new factual allegations, and also add ICE Agent Ching Chang as Defendant. (*Id.*) Furthermore, the Amended Complaint adds *Bivens* claims against ICE Agents Chang and Garcia.¹
6. Per the Court’s Order (ECF No. 27), Defendants’ response to Mendia’s Amended Complaint is currently due on August 31, 2011.
7. On August 26, 2011, upon verifying that Mendia had failed to personally serve Defendants Chang and Garcia,² Defendants notified Mendia of this deficiency via e-mail. Defendants also directed Mendia to Federal Rule of Civil Procedure 4(i)(3), and explained to him his obligation to comply with the rules of service.

¹ Mendia had previously named John Garcia as a Defendant in his original Complaint. However, Mendia did not bring any *Bivens* (*Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)) claims against Garcia in the original Complaint. The Amended Complaint contains *Bivens* claims against both Chang and Garcia. (*See* ECF No. 28.)

² Plaintiff Mendia notes that the Court has not yet issued a summons specific to Defendant Chang and asks the Court to do so as soon as possible so that he may serve Defendant Chang pursuant to Rule 4(i)(3) of the Federal Rules of Civil Procedure.

1 8. The parties have therefore agreed and now jointly stipulate to allow Mendia three
2 more weeks to comply with the service requirements under Federal Rule of Civil Procedure
3 4(i)(3). The parties have also agreed to allow Defendants two more weeks after this date to
4 respond to the Amended Complaint.

5 9. The parties therefore agree and stipulate that Mendia shall have until **September 21,**
6 **2011**, to serve Defendants Garcia and Chang in accordance with Federal Rule of Civil Procedure
7 4(i)(3). Defendants, in turn, will have until **October 5, 2011**, to file a response to Mendia's
8 Amended Complaint.

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10 DATED: August 30, 2011

Respectfully submitted,

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12 TONY WEST
Assistant Attorney General, Civil Division

13 DAVID J. KLINE
14 Director, Office of Immigration Litigation, District
Court Section

15 J. MAX WEINTRAUB
16 Senior Litigation Counsel

17 By: /s/
18 LANA L. VAHAB
19 Trial Attorney
20 United States Department of Justice
21 Civil Division
22 Office of Immigration Litigation
23 District Court Section
24 P.O. Box 868, Ben Franklin Station
25 Washington, D.C. 20044
26 Tel: (202) 532-4067
27 Fax: (202) 305-7000
28 Email: ana.vahab@usdoj.gov

Attorneys for Defendants

 /s/
Bernardo Mendia
P.O. Box 28032
Oakland, CA 94604

Pro se Plaintiff

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CERTIFICATE OF SERVICE

I certify that on August 30, 2011, I electronically filed the foregoing JOINT STIPULATION TO EXTEND DEFENDANTS' TIME TO ANSWER PLAINTIFF'S AMENDED COMPLAINT with the Clerk of Court. I also caused a copies of the foregoing to be served upon Plaintiff, Bernardo Mendia by placing them in an envelope which was subsequently sealed and forwarded to the mail room of the United States Department of Justice for the addition of the correct amount of first-class postage and same-day delivery to a United States Post Office in Washington, D.C. The envelope was addressed as follows:

Bernardo Mendia
P.O. Box 28032
Oakland, CA 94604

/s/ Lana L. Vahab
LANA L. VAHAB
Trial Attorney