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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSE DUARTE, and YOLANDA
ASPARREN,

No. C 12-03647 RS

Petitioners and Plaintiffs,

**ORDER CLARIFYING AND
AMENDING BRIEFING SCHEDULE**

v.

ALEJANDRO MAYORKAS, DIRECTOR,
UNITED STATES CITIZENSHIP &
IMMIGRATION SERVICES, in his official
capacity, and the UNITED STATES
CITIZENSHIP & IMMIGRATION
SERVICES,

Defendants.

Plaintiffs Jose Duarte and Yolanda Asparren requested an extension of their deadline to respond to defendants’ motion to dismiss their claims on October 12, 2012, the very date that brief was due. Plaintiffs wanted the date of their opposition moved from October 12, 2012 to October 19, 2012. On October 17, 2012, the request was granted and the defendants’ deadline for their reply brief was also moved to November 1, 2012, and the hearing was moved to November 8, 2012. On October 17, 2012, the defendants filed an unopposed request that the hearing date be further moved from November 8, 2012 to November 15, 2012. (Docket #55). Docket entry number 55 related to the briefing schedule on defendants’ request to change the hearing date—not the briefing schedule on the motion to dismiss. Docket entry number 55 indicated that *if* an opposition to the request to change the hearing date was to be filed, it would be due November 2, 2012. Docket entry number

1 55 did *not* change the deadline for plaintiffs' opposition to defendants' motion to dismiss their
2 claims.

3 Plaintiffs' opposition to defendants' motion to dismiss remained due on October 19, 2012.
4 Plaintiffs, apparently proceeding under the mistaken belief that the deadline for their opposition to
5 defendants' motion to dismiss had been moved to November 2, 2012, failed to file that brief on time
6 on October 19, 2012. On October 25, 2012, they filed an "Objection and Request for Clarification"
7 requesting clarification of the deadline for their opposition to the motion to dismiss. On October 26,
8 2012, plaintiffs filed their opposition to the motion to dismiss.

9 Because plaintiffs missed the October 19, 2012, deadline for their opposition to defendants'
10 motion to dismiss, but have already filed it, the deadline is hereby moved to October 26, 2012.
11 Plaintiffs' opposition to the motion to dismiss will be accepted as timely filed. Defendants'
12 deadline for their reply brief is hereby moved to November 9, 2012. As previously ordered, the
13 hearing on the motion to dismiss will be held on November 15, 2012 at 1:30 p.m. in courtroom 3 of
14 the above-captioned court.

15 Plaintiffs should note that once deadlines are set by the Court, they can only be changed by
16 an order. A docket entry alone will not change them. Recognizing that plaintiffs are representing
17 themselves and are unfamiliar with the Court's electronic docketing system, they are advised to call
18 the court if they have any questions about the docket. They should do so in a timely manner to
19 avoid missing any future deadlines. Additional extensions of time will only be granted on a
20 showing of good cause.

21 IT IS SO ORDERED.

22
23 Dated: 10/26/12



24 RICHARD SEEBORG
25 UNITED STATES DISTRICT JUDGE