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12 ATTORNEYS FOR DEFENDANTS
 13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16	GLORIA PLASCENCIA-DE HARO,)	No. 3:14-cv-03058
17	Plaintiff,)	
18)	STIPULATED REQUEST FOR
19	v.)	ORDER CHANGING DATE OF
20)	MOTION HEARING
21	ERIC H. HOLDER, JR., Attorney)	
22	General of the United States, et al.,)	
23	Defendants.)	

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 25 Pursuant to Local Rule 6-3, Plaintiff Gloria Plascencia-de Haro
 26 (“Plascencia”) and Defendants Eric H. Holder, Jr., et al. (“Defendants,” and with
 27 Plascencia, the “Parties”) file this stipulated request for the Court to change the
 28 date of the hearing on Defendants’ Motion to Dismiss and for Partial Summary

1 Judgment (ECF No. 22) from August 20, 2015, to September 3, 2015. In support
2 of this Stipulation, and as set forth in the accompanying declaration of Hans H.
3 Chen, the Parties state as follows:

4 This is an immigration case arising under the Administrative Procedure Act,
5 5 U.S.C. § 701, in which Plaintiff challenges the denial by United States
6 Citizenship and Immigration Services of Plaintiff's application for adjustment of
7 status to permanent residence. Plaintiff also seeks to enjoin United States
8 Immigration and Customs Enforcement from removing Plaintiff pursuant to an
9 order of voluntary departure issued in 1994.

10 On April 2, 2015, Defendants filed a Motion to Dismiss for Lack of
11 Jurisdiction and for Partial Summary Judgment and noticed the hearing for June 4,
12 2015. (ECF No. 22.)

13 Pursuant to Local Rule 7-3(a), Plaintiff filed her opposition to the Motion to
14 Dismiss on April 16, 2015. (ECF No. 23.) In her opposition, Plaintiff noted that
15 she would file her opposition to the Motion for Partial Summary Judgment by May
16 4, 2015, pursuant to the summary judgment deadlines established in the Court's
17 July 7, 2014, Immigration Mandamus Case Procedural Order. (ECF No. 5.)

18 On May 4, 2015, before filing her summary judgment response, Plaintiff
19 filed a Motion to Stay Proceedings Pending a Decision in *Texas, at al. v. United*
20 *States*. (ECF No. 26.) Defendants opposed that motion and cross-moved for a
21 continuance of the June 4, 2015, hearing on Defendants' Motion to Dismiss and for
22 Partial Summary Judgment. (ECF No. 31.)

23 On May 22, 2015, the Court directed Plaintiff to respond to Defendants'
24 Motion for Partial Summary Judgment by June 4, 2015, vacated the June 4, 2015,
25 hearing date on Defendants' Motion to Dismiss and for Partial Summary
26 Judgment, and noted that it would determine whether to set a hearing on Plaintiff's
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28

1 Motion to Stay Proceedings and on Defendants' Motion to Dismiss and for Partial
2 Summary Judgment after briefing was complete. (ECF Nos. 32, 33.)

3 With no hearing date set on Defendants' Motion to Dismiss and for Partial
4 Summary Judgment, counsel for Defendants made plans for out-of-town travel
5 with family on August 19, 2015, and for the week following.

6 On August 10, 2015, the Court set a hearing on Defendant's Motion to
7 Dismiss and for Partial Summary Judgment for August 20, 2015, at 2:00 p.m.¹

8 As noted above, counsel for Defendants has personal travel plans that
9 conflict with the hearing date that the Court set on August 10, 2015. In light of
10 that conflict, Defendants seek a change in time in the hearing date to September 3,
11 2015.

12 In an email dated August 10, 2015, counsel for Plaintiff stated that Plaintiff
13 would stipulate to a request to change the date of the hearing on Defendant's
14 Motion to Dismiss and for Partial Summary Judgment from August 20, 2015, to
15 September 3, 2015. Undersigned counsel for Defendants attests he has on file all
16 holographic signatures corresponding to any signatures indicated by a conformed
17 signature ("/s/") within this Stipulated Request.

18 In addition to the Plaintiff's Motion to Stay Proceedings and Defendants'
19 Cross-Motion to continue the June 4, 2015, hearing date, previous time
20 modifications in this case consist of the following:

21 On September 25, 2014, the parties stipulated to extend the time for
22 Defendants to answer or otherwise respond to the Complaint so that Plaintiff could
23 file an amended complaint to account for additional administrative action that had
24 occurred since the filing of her original complaint. (ECF No. 10.) On September
25 29, 2014, the Court endorsed the stipulation. (ECF No. 11.)

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27 ¹ The Court has not yet ruled on whether it will set a hearing on Plaintiff's Motion
28 to Stay Proceedings.

1 On March 2, 2015, the Court granted in part and denied in part Defendants'
2 February 26, 2015, unopposed motion to extend their February 26, 2015, deadline
3 to file their motion for summary judgment until and including April 27, 2015.
4 (ECF No. 18.) The Court's March 2, 2015, order granted Defendants until and
5 including March 19, 2015, to file their motion for summary judgment. (ECF No.
6 19.)

7 On March 20, 2015, Defendants filed a second unopposed motion to extend
8 their time to file their motion for summary judgment (ECF No. 20.) On March 20,
9 2015, the Court granted Defendants the motion and granted Defendants until and
10 including April 2, 2015, to file their motion for summary judgment. (ECF No. 21.)

11 Other than delay by two weeks the hearing on Defendants' Motion to
12 Dismiss and for Partial Summary Judgment, this requested time modification will
13 have no effect on the schedule for the case.

14 Thus, for good cause shown, Defendants stipulate and request that the Court
15 change the date of the hearing on Defendants' Motion to Dismiss and for Partial
16 Summary Judgment from August 20, 2015, until September 3, 2015.

1 Dated: August 12, 2015

Respectfully submitted,

2 LAW OFFICE OF
3 ROBERT L. LEWIS

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Principal Deputy
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ATTORNEYS FOR DEFENDANTS

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: August 13, 2015


HON. HAYWOOD S. GILLIAM, JR.
United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 12, 2015, I filed the foregoing document and
3 any exhibits and attachments thereto with the Clerk of the Court through the
4 Court's ECF system and that the foregoing document will be served electronically
5 upon registered participants identified on the Notice of Electronic Filing.

6 Dated: August 12, 2015 /s/ Hans H. Chen
7 HANS H. CHEN
8 Trial Attorney
9 United States Department of Justice
10 Civil Division
11 Office of Immigration Litigation
12 District Court Section

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