Escalante v. Chertoff Doc. 17 JOSEPH P. RUSSONIELLO, CSBN 44332 **United States Attorney** JOANN M. SWANSON, CSBN 88143 Assistant United States Attorney Chief, Civil Division ILA C. DEISS, NY SBN 3052909 Assistant United States Attorney 5 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-7124 6 FAX: (415) 436-7169 7 Attorneys for Defendant 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN FRANCISCO DIVISION 11 MARCO ESCALANTE, 12 No. C 08-2242 PJH 13 Plaintiff. STIPULATION TO VACATE DATE; and [PROPOSED] ORDER 14 v. MICHAEL CHERTOFF, Secretary of Homeland Security, 16 Defendant. 17 18 Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to the following: 19 20 1. Plaintiff filed this action on or about April 30, 2008. 21 2. On August 27, 2008, Defendant filed a motion to dismiss the Complaint, noticing a hearing date of October 29, 2008. 22 23 3. The parties are currently scheduled to appear for a case management conference on 24 September 25, 2008, with a joint case management statement due seven days prior. 25 4. The parties hereby respectfully ask this Court to vacate the initial case management conference and to reset it, if necessary, to a date after the Court has had a chance to decide 27 /// 28 Second Stipulation to Extend Time C08-2242 PJH 1

Defendant's motion to dismiss. Date: September 5, 2008 Respectfully submitted, 3 JOSEPH P. RUSSONIELLO **United States Attorney** 5  $\frac{/_S/}{ILA~C.~DEISS^{T}}$ 6 Assistant United States Attorney Attorneys for Defendant Date: September 5, 2008 10 Attorney for Plaintiff 11 **ORDER** 12 Pursuant to stipulation, IT IS SO ORDERED 13 IT IS SO ORDERED Date: 9/9/08 14 15 Judge Phyllis J. Hamilton 16 17 18 19 20 21 22 23 24 25 26 <sup>1</sup>I, Ila Deiss, hereby attest that I have on file all holograph signatures for any signatures 27 indicated by a "conformed" signature (/s/) within this efiled document. 28

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Second Stipulation to Extend Time

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