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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

12 MARCO ESCALANTE,

13 Plaintiff,

14 v.

15 MICHAEL CHERTOFF, Secretary of  
 Homeland Security,

16 Defendant.  
 17 \_\_\_\_\_ )

) No. C 08-2242 PJH

) **STIPULATION TO VACATE DATE;**  
 ) **and [~~PROPOSED~~] ORDER**

18 Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys  
 19 of record, hereby stipulate, subject to the approval of the Court, to the following:

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  
 22 date of October 29, 2008.

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  
 26 conference and to reset it, if necessary, to a date after the Court has had a chance to decide

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