

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 WALTER R. ROULE,

No. C 10-04632 CW

5 Plaintiff,

ORDER CONCERNING
DEFENDANT'S
PENDING MOTION TO
DISMISS

6 v.

7 DAVID H. PETRAEUS, Director of the
8 Central Intelligence Agency,

9 Defendant.
_____/

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11 On April 4, 2011, Defendant Leon E. Panetta,¹ Director of the
12 Central Intelligence Agency, moved to dismiss this action. On May
13 4, 2011, Plaintiff filed a partial response, but did not include
14 certain papers, apparently due to the sensitivity of the materials
15 and the need for Defendant to review the materials for security
16 purposes prior to their filing. Defendant's May 11, 2011 notice to
17 the Court stated that the parties were engaged in negotiations to
18 establish a procedure for pre-filing review and intended to enter
19 into a stipulation to set new deadlines for briefing related to the
20 pending motion.

21 After the parties failed to enter such a stipulation and
22 delayed the completion of briefing on Defendant's motion to
23 dismiss, the Court issued an order on July 5, 2011, providing
24 instructions to the parties, taking account of the security
25 concerns. Pursuant to that order, Defendant submitted his reply
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27 _____
28 ¹Pursuant to Federal Rule of Civil Procedure 25(d), David H.
Patraeus is substituted as Defendant, in place of Leon E. Panetta.

1 brief on September 9, 2011. However, Defendant has not complied
2 with the Court's order that he submit an approved version of
3 Plaintiff's response or, alternatively, propose a different method
4 to ensure that the Court is able fully to review Plaintiff's
5 response. The Court is aware that Plaintiff was delayed in filing
6 his Certificate of Service, confirming that he submitted his
7 complete response to Defendant. However, it appears that Defendant
8 has had Plaintiff's complete response to the motion to dismiss
9 since August 12, 2011.

10 On or before September 26, 2011, Defendant shall submit to the
11 Court an approved version of Plaintiff's response or propose an
12 alternate method to ensure that the Court is able fully to review
13 Plaintiff's response. If Defendant fails to comply with this
14 order, his motion to dismiss will be denied.

15 IT IS SO ORDERED.

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18 Dated: 9/13/2011

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CLAUDIA WILKEN
United States District Judge

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