

1 MELINDA HAAG (CSBN 132612)
 United States Attorney
 2 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 3 JAMES A. SCHARF (CSBN 152171)
 Assistant United States Attorney

4 150 Almaden Boulevard, Suite 900
 5 San Jose, CA 95113
 Telephone: (498) 535-5044
 6 Facsimile: (408) 535-5081

7 Attorneys for United States of America and
 United States Postmaster General Patrick R. Donahoe

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

12 KUANG-BAO P. OU-YOUNG,)	No. CV 12-02789 LHK
13)	
14 Plaintiff,)	
15 v.)	ADMINISTRATIVE MOTION TO
16 ALEJANDRO B. VASQUEZ, in his official)	CONTINUE CASE MANAGEMENT
capacity; et al.)	CONFERENCE FROM OCTOBER 17,
17 Defendants.)	2012, TO NOVEMBER 15, 2012
18)	

19 PLEASE TAKE NOTICE that, pursuant to Civil L. R. 7-11, the United States of America
 20 and United States Postmaster General Patrick R. Donahoe¹ hereby move the Court for an order
 21 continuing the October 17, 2012 Case Management Conference to November 15, 2012, or any
 22 date thereafter, to be held, if necessary, following the hearing on the pending motion to dismiss

23 _____
 24 ¹Plaintiff has not yet properly served the individual defendants named in Case No. C 12-
 25 02789 in accordance with Federal Rules of Civil Procedure 4(c)(2) and 4(i)(3), which require
 26 personal service by an adult who is not a party. To the extent plaintiff is pursuing tort claims
 27 against federal employees acting in their official capacities, the United States of America is the
 28 only proper defendant. 28 U.S.C. § 2679(b)(1). To the extent plaintiff is pursuing employment
 discrimination claims, United States Postmaster General Patrick R. Donahoe, as head of the
 agency which employed plaintiff, is the only proper defendant. 42 U.S.C.A. § 2000e-16.

[PROPOSED] ORDER

Good cause appearing, the October 17, 2012, Case Management Conference is continued to November 15, 2012, to be held, if necessary, immediately following the hearing on the pending motion to dismiss. The parties shall file their Case Management Conference Statement(s) on or before November 8, 2012. Plaintiff's motion to change time is DENIED as moot. See ECF No. 17.

DATED: August 14, 2012


Hon. Lucy H. Koh
United States District Court Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28