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| 5 | 150 Almaden Blvd., Suite 900 San Jose, California 95113 Telephone: (408) 535-5044 | | | |
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| 9 | UNITED STATES DISTRICT COURT | | | |
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| 12 |) | Case No. C 14-CV-05253-NC | | |
| 13 | Petitioner,) | STIPULATION AND [PROPOSED] ORDER RE OSC BRIEFING SCHEDULE | | |
| 14 | v.) | | | |
| 15 | United States and others | | | |
| 16 | | | | |
| 17 |) | | | |
| 18 | Whereas, on November 30, 2014, petit | ioner filed a petition for writ of habeas corpus. | | |
| 19 | Whereas on December 5, 2014 notifie | | | |
| 20 | | | | |
| 21 | Whereas, on December 15, 2014, Magistrate Judge Cousins issued an order granting application | | | |
| 22 | for order to show cause; order to respondents to show cause why petition for writ of habeas corpus | | | |
| 23 | should not be granted; and order setting briefing schedule on motion for stay of removal. Pursuant to | | | |
| 24 | that order, respondents' response is due Decen | nber 18, 2014, and petitioner's reply is due December 19, | | |
| 25 25 | 2014. In that order, the Court stated: "The bri | efing and hearing schedule may be modified by further | | |
| 26 27 | court order. The Court encourages the parties | to confer with each other and to propose an amended | | |
| 27 | | schedule if they will be unable to comply with the schedule set by this order." | | |
| 20 | Martinez v. Holder Case No. C 14-CV-05253-NC | - | | |
| | STIPULATION AND PROPOSED ORDER RE OSC E | | | |
| | | Dockets.Justia | | |

| 1 | Whereas, on December 15, 2014, the United States Attorney's Office first received the aforesaid | | |
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| 2 | petition, motion, and order, and assigned the case to AUSA James A. Scharf. | | |
| 3 | Whereas, on December 16, 2014, AUSA Scharf first spoke to agency counsel Michael Steinberg | | |
| 4 | about this case. | | |
| 5 6 | Whereas, on December 16, 2014, AUSA Scharf and Lamar Peckham, attorney for petitioner, met | | |
| 7 | and conferred about the briefing schedule as per the Court's suggestion. | | |
| 8 | Whereas, respondent agrees to not remove petitioner until the petition for writ of habeas corpus | | |
| 9 | is resolved. | | |
| 10 | Whereas, the parties are actively exploring a possible settlement of this case. | | |
| 11 | Whereas, AUSA Scharf requires additional time to research potential legal and factual defenses | | |
| 12 | to the petition and motion, and to draft a response, in the event the parties are unable to settle this matter. | | |
| 13 | Whereas, AUSA Scharf will out of the office and unavailable to work on this case between | | |
| 14 15 | December 25, 2014, and January 4, 2015, due to the holidays. | | |
| 16 | Therefore, the parties request that the Court extend the date by which respondents shall file a | | |
| 17 | | | |
| 18 | the Court to set a hearing date after the briefing has been completed on a date and time convenient to the | | |
| 19 | Court. | | |
| 20 | Dated: December 16, 2014 | | |
| 21 | /S/ | | |
| 22 23 | Lamar Peckham Attorney for Petitioner | | |
| 23 24 | MELINDA HAAG | | |
| 25 | United States Attorney | | |
| 26 | /S/ | | |
| 27 | JAMES A. SCHARF Assistant United States Attorney | | |
| 28 | Attorney for Respondents Martinez v. Holder | | |
| | Case No. C 14-CV-05253-NC STIPULATION AND PROPOSED ORDER RE OSC BRIEFING SCHEDULE | | |
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| 1 | [PROPOSED] ORDER |
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| 2 | Pursuant to the stipulation of the parties, and based on good cause, it is hereby ordered that |
| 3 4 | respondent's response is due January 9, 2015, and petitioner's reply is due January 16, 2015. The Court |
| 4 5 | will hear the matter on |
| 6 | Thursday, January 22, 2015 at 2:00 p.m. in Courtroom 7, 4th Floor, San Jose. |
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| 9 | DATED: December <u>16</u> , 2014 |
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| 13 | Z Judge Nathanael M. Cousins |
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| | Martinez v. Holder Case No. C 14-CV-05253-NC STIPULATION AND PROPOSED ORDER RE OSC BRIEFING SCHEDULE |