

1 MELINDA HAAG (CABN 132612)  
 United States Attorney  
 2 ALEX G. TSE (CABN 152348)  
 Chief, Civil Division  
 3 JAMES A. SCHARF (CABN 152171)  
 Assistant United States Attorney  
 4 150 Almaden Boulevard, Suite 900  
 San Jose, California 95113  
 5 Telephone: (408) 535-5044  
 FAX: (408) 535-5081  
 6 claire.cormier@usdoj.gov

7 Attorneys for Federal Defendants

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

12 SALIH IBRAHIM,	)	CASE NO. CV 15-00336 PSG
	)	
13 Plaintiff,	)	UNOPPOSED ADMINISTRATIVE MOTION RE
	)	AMENDED COMPLAINT; [ <del>PROPOSED</del> ] ORDER
14 v.	)	
	)	
15 DEFENSE LANGUAGE INSTITUTE	)	
FOREIGN LANGUAGE CENTER, ET AL.,	)	
16	)	
Defendants.	)	

17  
 18 On April 1, 2015, Federal Defendants filed a motion to dismiss. By Special Set, the motion to  
 19 dismiss is scheduled to be heard on May 12, 2015, at 1:30 p.m., immediately preceding the Case  
 20 Management Conference.

21 On April 22, 2015, Plaintiff filed a timely amended complaint pursuant to FRCP 15(a)(1)(B).  
 22 The filing of the amended complaint moots the motion to dismiss, and makes it premature to discuss  
 23 case management issues until the pleadings are finalized.

24 Federal Defendants intend to file a motion to dismiss the amended complaint. Pursuant to FRCP  
 25 15(a)(3), the motion to dismiss the amended complaint is due May 6, 2015. However, due to litigation  
 26 deadlines in other cases, defense counsel requested and received from Plaintiff an additional 14 days to  
 27 and including May 20, 2015 to prepare and file the motion to dismiss the amended complaint.

1 On April 23, 2015, defense counsel spoke with Plaintiff on the telephone. Plaintiff stated that he  
2 did not oppose any of the administrative relief sought herein.<sup>1</sup>

3 In light of these developments, Federal Defendants hereby request the Court to (1) vacate the  
4 May 12, 2015 hearing and Case Management Conference, (2) permit Federal Defendants to file a  
5 motion to dismiss the amended complaint on or before May 20, 2015, and (3) continue the initial Case  
6 Management Conference to the date and time of the hearing on the motion to dismiss the amended  
7 complaint.

8  
9  
10 Dated: April 23, 2015

Respectfully submitted,

MELINDA HAAG  
UNITED STATES ATTORNEY

/s/ James A. Scharf

11  
12 By: \_\_\_\_\_

JAMES A. SCHARF  
Assistant U.S. Attorney  
Attorney for Federal Defendants

13  
14  
15 ~~PROPOSED~~ ORDER

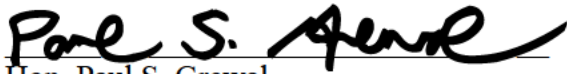
16 Good cause appearing, and without objection from Plaintiff, it is hereby ordered:

17 (1) The May 12, 2015 hearing on Federal Defendants' motion to dismiss and Case Management  
18 Conference are vacated.

19 (2) Federal Defendants shall file a motion to dismiss the amended complaint on or before May  
20 20, 2015.

21 (3) The initial Case Management Conference shall be continued to the date and time of the  
22 hearing on the anticipated motion to dismiss the amended complaint.

23  
24 Dated: April 23, 2015

  
Hon. Paul S. Grewal  
United States District Court Magistrate Judge

25  
26 \_\_\_\_\_  
27 <sup>1</sup>I declare under penalty of perjury that the facts set forth in this unopposed administrative  
28 motion are true and correct to the best of my knowledge and belief.