

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

v.

**CRIMINAL NO. 3:06CR-90-H**  
*Filed Electronically*

**JIAN TIAN LIN**

**DEFENDANT**

**UNITED STATES' UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO  
DEFENDANT'S MOTION TO VACATE FINAL JUDGMENT**

Comes the United States of America, by counsel, and respectfully moves this Honorable Court for an extension of time to respond to Defendant's Motion to Vacate Final Judgment. In support of it's motion, the United States would show this Honorable Court the following:

On July 3, 2012, the Defendant filed a Motion to Vacate Final Judgment. Soon after, the undersigned AUSA had conversations with the Defendant's attorney with reference to an extension of time to respond, in addition to arranging a time so the parties could try and resolve the issue. Unfortunately, at the time of these conversations, the undersigned AUSA was in the middle of preparing for an 8 defendant marriage fraud conspiracy trial that was set for August 13, 2012. As a result, the undersigned AUSA did not make sure that the parties agreement to extend time for the United States to respond was memorialized in writing and filed with the court. The undersigned AUSA apologizes to the court for this oversight.

Upon reviewing the Defendant's Motion to Vacate Final Judgement, the undersigned AUSA will need to obtain transcripts of the change of plea and subsequent sentencing hearings that were conducted in this case to properly address the issues in the Defendant's Motion.

Therefore, the United States is moving the court for a two week extension of time to respond to Defendant's Motion to Vacate Final Judgement, beginning from the time that the transcripts become available to the United States.

Respectfully submitted,

DAVID J. HALE  
United States Attorney

s/Daniel P. Kinnicutt  
Daniel P. Kinnicutt  
Assistant U.S. Attorney  
717 West Broadway  
Louisville, Kentucky 40202  
(502) 582-5911  
Fax: (502) 582-5067

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2012, I electronically filed the foregoing response with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the defendants attorneys in this case.

s/Daniel P. Kinnicutt  
Daniel P. Kinnicutt  
Assistant U.S. Attorney

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**ORDER**

Upon the unopposed motion of the United States for an extension of time to respond to Defendant's Motion to Vacate Final Judgment, and the Court being otherwise sufficiently advised,

**IT IS HEREBY ORDERED AND ADJUDGED** that the United States' Motion for an Extension of Time to Vacate Final Judgment, is **GRANTED** and the United States shall have two weeks after the transcript of proceedings have been made available to the United States to file their response.