

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JAN 06 2016
Clerk, U.S. Courts
District of Montana
Missoula Division

LOURDES KATHLEEN
BENITEZ-FIELD,
Alien Number 200-089-980,

Plaintiff,

vs.

ERIC HOLDER, Attorney General of
the United States; JEH JOHNSON,
Secretary of Department of Homeland
Security; LAURENCE CARROLL,
Supervising Detention and Deportation
Officer, Immigration & Customs
Enforcement, Helena Detention and
Removal Office; TODD
MCWHORTER, Acting Field Office
Director, Immigration & Customs
Enforcement, Salt Lake City Detention
and Removal Office; and DIRECTOR,
USCIS Vermont Service Center,

Defendants.

CV 13-31-M-DLC

ORDER

Plaintiff Lourdes Kathleen Benitez-Field has moved to continue the motions hearing scheduled for January 9, 2016. As grounds for the continuance, Plaintiff states that she has contacted multiple attorneys but has been unsuccessful in securing representation. (See Doc. 66-1 at 1-3 (providing a list of attorneys that she has contacted).) However, Plaintiff states that on January 5, 2016, she

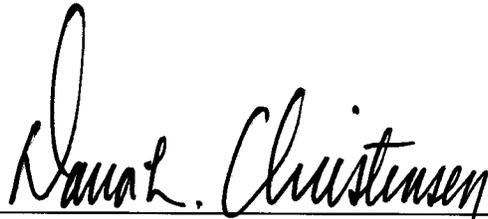
received a phone call from an attorney who has expressed interest in reviewing Plaintiff's case and possibly providing representation. Plaintiff requests a three week extension to meet with her potential attorney and allow him to familiarize himself with the case.

Defendants oppose this motion and argue that the motions hearing has already been continued multiple times. Additionally, the subjects of the motions hearing, i.e., the motion for a temporary restraining order/preliminary injunction (Doc. 29) and the motion to dismiss (Doc. 39), are fully briefed and have been pending since October of 2016. Any further delay of the resolution of these motions, Defendants argue, would run counter to the public's interest in the swift resolution of immigration matters.

The Court agrees with Defendants that litigation of this matter has been protracted. Notwithstanding the fact that the Court indicated in a previous Order that no further continuances would be granted, Plaintiff has shown a good faith attempt to secure representation before the January 9, 2016 hearing and appears to be nearing that goal. Due to the complexity of the issues presented in motion for a temporary restraining order/preliminary injunction and the motion to dismiss, the Court will grant the requested continuance and reset the hearing for February 1, 2017.

Accordingly, IT IS ORDERED that Plaintiff Lourdes Kathleen Benitez-Field's Motion to Continue the Hearing (Doc. 63) is GRANTED. The hearing scheduled for January 9, 2017 is VACATED and RESET for February 1, 2017, at 1:30 p.m., in the Russell Smith Courthouse in Missoula, Montana.

DATED this 6th day of January, 2017.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, Chief Judge
United States District Court