

1 DANIEL G. BOGDEN  
United States Attorney

2 ADAM M. FLAKE  
3 Assistant United States Attorney  
4 United States Attorney's Office  
5 333 Las Vegas Blvd. South, Suite 5000  
6 Las Vegas, Nevada 89101  
7 Phone: (702)388-6336  
8 Fax: (702)388-6787  
9 adam.flake@usdoj.gov

10 Attorneys for the United States.

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 P. JEFFREY BLACK, )

14 Plaintiff, )

15 v. )

16 UNITED STATES DEPARTMENT )  
17 OF HOMELAND SECURITY, )

18 Defendant. )

19 Case No. 2:10-cv-02040-JCM-VCF

20 **UNOPPOSED MOTION TO MODIFY BRIEFING SCHEDULE**  
21 **(Second Request)**

22 The United States Department of Homeland Security ("DHS"), by and through Daniel G.  
23 Bogden, United States Attorney, and Adam M. Flake, Assistant United States Attorney, files this  
24 unopposed motion to modify the briefing schedule the Court approved on November 14, 2011.

25 In support of this motion, the undersigned attorney states the following:

- 26 1. On November 14, 2011 (Docket 28), this court approved the following briefing schedule:
  - 27 January 17, 2012 - Due date for DHS's Opposition ("Opp.") to Plaintiff's MSJ and
  - 28 DHS's Cross-MSJ.
  - 29 February 16, 2012 - Due date for Plaintiff's Reply to DHS's Opp. and Opp to DHS's
  - 30 Cross-MSJ.
  - 31 March 19, 2012 - Due Date for DHS's Reply to Plaintiff's Opp.

1 2. On December 15, 2011, the undersigned was assigned to draft DHS's brief. Before  
2 turning his attention to this case, the undersigned was responsible for filing pleadings in several  
3 other cases, including *United States v. Romero-Duran*, D. Nevada No. 09-CR-202, *United States*  
4 *v. Dunlop*, D. Nevada No. 01-CR-332, and *United States v. Rivera-Avalos*, D. Nevada No.  
5 09-CR-262. The undersigned also took time off for a long-planned family vacation over the  
6 holidays. Since that time, the undersigned has worked diligently to prepare the brief. However,  
7 the undersigned needs more time to familiarize himself with the facts of the case and to conduct  
8 legal research.

9 3. On January 6, 2012, the undersigned spoke with Plaintiff P. Jeffery Black, who indicated  
10 that he does not oppose extending the deadline for DHS's brief.

11 4. The instant motion is brought in good faith and not for purposes of delay.

12 5. Accordingly, DHS requests that the current briefing schedule be modified as follows:

13 February 15, 2012 - DHS's opposition to Plaintiff's motion for summary judgment and  
14 DHS's cross-motion for summary judgment.

15 March 19, 2012 - Plaintiff's reply to DHS's opposition and opposition to DHS's  
16 cross-motion for summary judgment.

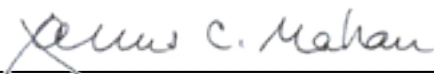
17 April 18, 2012 - DHS's reply to Plaintiff's opposition.

18 Respectfully submitted this 6th day of January 2012.

19 DANIEL G. BOGDEN  
20 United States Attorney

21 /s/ Adam Flake  
22 ADAM M. FLAKE  
23 Assistant United States Attorney

24 **IT IS SO ORDERED:**

25   
26 UNITED STATES DISTRICT JUDGE

**DATED:** January 10, 2012

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**PROOF OF SERVICE**

I, Adam M. Flake, AUSA, certify that the following individual was served with the **UNOPPOSED MOTION TO MODIFY BRIEFING SCHEDULE** on this date by the below identified method of service:

**U.S. Mail**

P. Jeffrey Black  
7582 Las Vegas Blvd. S. #450  
Las Vegas, Nevada 89123-1009

*Plaintiff*

DATED this 6th day of January 2012.

*/s/ Adam Flake*  
ADAM M. FLAKE  
Assistant United States Attorney