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8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF NEVADA

10 Rodolfo Alfaro Malo, *et al.*,) 2:10-CV-02257-RLH-PAL
 11)
 Plaintiffs,) DEFENDANTS' **UNOPPOSED**
 12) REQUEST FOR EXTENSION
 v.) OF TIME TO FILE AN ANSWER OR
 13) APPROPRIATE PLEADING TO
 Janet Napolitano, *et al.*,) PLAINTIFFS' COMPLAINT
 14) (Second Request)
 Defendants.)
 15 _____)

16 Defendants, by and through their attorneys, Daniel G. Bogden,
 17 United States Attorney for the District of Nevada, Carlos A.
 18 Gonzalez, Assistant United States Attorney, and Aram A. Gavoor,
 19 Trial Attorney, Office of Immigration Litigation - District Court
 20 Section, respectfully request a One-Hundred Twenty (120) day
 21 extension of time, up to and including August 29, 2011, in which
 22 to file a responsive pleading to Plaintiffs' Complaint.
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24 In support of this request for an extension of time,
 25
 26

1 Defendants rely upon the Memorandum of Points and Authorities set
2 forth below.

3 DATED this 8th day of April, 2011.

4 Respectfully submitted,

5 Daniel G. Bogden
6 United States Attorney

TONY WEST
Assistant Attorney General
Civil Division

7 Carlos A. Gonzalez
8 Assistant U.S. Attorney

ELIZABETH J. STEVENS
Assistant Director
District Court Section
Office of Immigration Litigation

9
10 /s/ Aram A. Gavoor

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CT State Bar No.: 426-472

16 Attorneys for Defendants

17 OF COUNSEL:

18 Pilar P. Luna, Senior Service Center Counsel
19 U.S. Department of Homeland Security
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. BACKGROUND**

3 The instant controversy involves the denial of an H-1B non-
4 immigrant visa. Defendant United States Citizenship and
5 Immigration Services (USCIS) has conferred with Plaintiffs,
6 through counsel, and has concluded that it is appropriate to
7 reopen the denied H-1B petition for further administrative
8 proceedings before the USCIS California Service Center, and if
9 necessary, the USCIS Administrative Appeals Office. The process
10 involves an opportunity for Plaintiffs to submit additional
11 briefing and/or respond to specific USCIS concerns about whether
12 the H-1B visa is approvable. Accordingly, such process, while
13 moving efficiently, will nonetheless require several months for
14 for its completion, based in large-part on set regulatory time
15 periods for Plaintiffs' optional briefing.

16 **II. ARGUMENT**

17 The Federal Rules of Civil Procedure provide for an
18 enlargement of time for cause shown.

19 When an act may or must be done within a specified
20 time, the court may, for good cause, extend the time:
21 (A) with or without motion or notice if the court acts,
or if a request is made, before the original time or
its extension expires

22 Fed. R. Civ. P., Rule 6(b).

23 This request is made prior to the expiration of time
24 permitted to respond to Plaintiffs' Complaint.

25 **III. CONCLUSION**

26 Undersigned counsel contacted Mr. Seth L. Resko, counsel for
Plaintiffs to ascertain his position on Defendants'. Mr. Resko

1 indicated that he **does not oppose** USCIS's reopening and
2 continuation of administrative proceedings, and **does not oppose**
3 the instant request for a One-Hundred Twenty (120) day extension
4 of time.

5 Therefore, Defendants respectfully request that this
6 honorable Court grant them an additional One-Hundred Twenty (120)
7 day extension of time, up to and including August 29, 2011, in
8 which to file an answer or otherwise respond to Plaintiffs'
9 Complaint.

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1 DATED this 8th day of April, 2011.

2 Respectfully submitted,

3 Daniel G. Bogden
4 United States Attorney

5 Carlos A. Gonzalez
6 Assistant U.S. Attorney

TONY WEST
Assistant Attorney General
Civil Division

ELIZABETH J. STEVENS
Assistant Director
District Court Section
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7 /s/ Aram A. Gavoov

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Attorneys for Defendants

15 OF COUNSEL:

16 Pilar P. Luna, Senior Service Center Counsel
17 U.S. Department of Homeland Security

18 IT IS SO ORDERED:

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21 CHIEF UNITED STATES DISTRICT JUDGE

22 DATED: April 11, 2011

1 **PROOF OF SERVICE**

2 I, Aram A. Gavoor certify that I caused the following
3 individual to be served on this date by the below identified
4 method of service:

4 Electronic Case Filing

5 Seth L Reszko
6 Reza Athari & Associates
6 6235 So. Pecos Rd.
7 Suite 108
7 Las Vegas, NV 89120
8 Email: atharilaw@earthlink.net

8 DATED this 8th day of April, 2011.
9

10 /s/ Aram A. Gavoor
11 ARAM A. GAVOOR
12 Trial Attorney
13 U.S. Department of Justice
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