

1 DANIEL G. BOGDEN  
 United States Attorney  
 Nevada Bar Number 2137  
 2 DANIEL D. HOLLINGSWORTH  
 Assistant United States Attorney  
 Nevada Bar Number 1925  
 4 Lloyd D. George United States Courthouse  
 333 Las Vegas Boulevard South, Suite 5000  
 5 Las Vegas, Nevada 89101  
 Telephone: (702) 388-6336  
 6 Facsimile: (702) 388-6787  
 Counsel for the United States of America and Ray LaHood  
 7

8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 RICHARD GLEN COLTER )  
 )  
 11 Plaintiff, )  
 )  
 12 v. ) 2:11-CV-00630-PM-(RJJ)  
 )  
 13 RAY LaHOOD, BRIAN SANDOVAL, )  
 STATE OF NEVADA, and )  
 14 UNITED STATES OF AMERICA, )  
 )  
 15 Defendants )

16 **UNITED STATES OF AMERICA’S AMENDED MOTION TO EXTEND THE TIME TO**  
 17 **FILE A MOTION TO DISMISS COLTER’S COMPLAINT (DOCUMENT#1) AND**  
 18 **ORDER**  
 19 **(First Request)**

20 The United States of America (“United States”), by and through Daniel G. Bogden, United  
 21 States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States  
 22 Attorney, respectfully moves this Honorable Court for an Order to extend time, pursuant to Fed. R.  
 23 Civ. P. 6(b)(1)(A) and LR 6-1, until July 27, 2011, for the United States to file a Motion to Dismiss  
 24 the Complaint (Document #1). The Motion to Dismiss may be or may not be due on July 13, 2011.  
 The reasons for this motion for extension of time are the following.

25 The Assistant United States Attorney (“AUSA”) has been unavailable for the past two weeks  
 26 on personal matters and will be unavailable for the next two weeks on personal matters. In addition

1 to his unavailability for four weeks, when the AUSA has been at work, he has been extremely busy  
2 with numerous district court cases, appellate cases, and other work assignments. The United States  
3 Department of Transportation is working on providing a information to this office concerning the  
4 issues Colter has raised.

5 This Assistant United States Attorney called Richard Glen Colter, who indicated he opposed  
6 this extension of time.

7 The Federal Defendants have not answered or otherwise responded by filing this motion for  
8 an extension of time; therefore, the United States has not waived any rights including, but not limited  
9 to, any Fed. R. Civ. P. 12(b) motions regarding the Complaint.

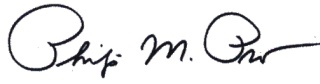
10 This motion is not submitted solely for the purpose of delay or for any other improper  
11 purpose. The United States requests this Court to grant an extension of time pursuant to Fed. R. Civ.  
12 P. 6(b)(1)(A) and LR 6-1.

13 DATED this 1st day of July, 2011.

14 DANIEL G. BOGDEN  
15 United States Attorney

16 /s/DanielDHollingsworth  
17 DANIEL D. HOLLINGSWORTH  
18 Assistant United States Attorney

19  
20 IT IS SO ORDERED:

21   
22 \_\_\_\_\_  
23 UNITED STATES DISTRICT JUDGE

24 DATED: \_\_ July 7, 2011 \_\_\_\_\_  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**PROOF OF SERVICE**

I, Daniel D. Hollingsworth, certify that the following individuals were served with copies of **THE UNITED STATES OF AMERICA’S AMENDED MOTION TO EXTEND THE TIME TO FILE A MOTION TO DISMISS COLTER’S COMPLAINT (DOCUMENT#1) AND ORDER (First Request)** on July 1, 2011, by the below identified method of service:

First Class Mail

Richard Glen Colter  
P.O. Box 11312  
Pleasanton, California 94588

CM/ECF

Roger G. Madsen  
rmadsen@ag.nv.gov  
Counsel for Brain Sandoval and State of Nevada

/s/ DanielDHollingsworth  
DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney