

1 DANIEL G. BOGDEN
 United States Attorney
 2 District of Nevada
 Nevada Bar No. 2137
 3 CARLOS A. GONZALEZ
 Assistant United States Attorney
 4 333 South Las Vegas Blvd., Suite 5000
 Las Vegas, NV 89101
 5 (702) 388-6336 / (702) 388-6787
carlos.gonzalez2@usdoj.gov
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7 UNITED STATES DISTRICT COURT
 8 DISTRICT OF NEVADA
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10 Alexandra Warner and
 Wael Choughari,

11 Plaintiffs,

12 v.

13 JANET NAPOLITANO, Secretary,
 14 United States Department of
 Homeland Security; *et al.*,

15 Defendants.
 16

2:11-01060-KJD-CWH

DEFENDANTS' UNOPPOSED MOTION
 FOR EXTENSION OF TIME TO
 RESPOND TO COMPLAINT

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 18 **DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
 TO RESPOND TO PLAINTIFFS' COMPLAINT**

19 (First Request)

20 Defendants, by and through their attorneys, Daniel G.
 21 Bogden, United States Attorney for the District of Nevada,
 22 Carlos A. Gonzalez, Assistant United States Attorney, and
 23 Sherease R. Pratt, Trial Attorney, United States Department of
 24 Justice, respectfully request a sixty (60) day extension of
 25 time, up to and including February 17, 2012, in which to file a
 26 responsive pleading to Plaintiffs' Complaint (#1).

1 In support of this request for an extension of time,
2 Defendants rely upon the Memorandum of Points and Authorities
3 attached hereto and incorporated herein.

4 DATED this 16th day of December, 2011.

5 Respectfully submitted,

6 Daniel G. Bogden
7 United States Attorney

8 /s/ Carlos A. Gonzalez
9 Carlos A. Gonzalez
10 Assistant United States Attorney
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. BACKGROUND**

3 Plaintiff filed his Complaint (#1) with the Court on June
4 28, 2011, and Defendants' response is due on Monday, December
5 20, 2011. Agency counsel for the United States Citizenship and
6 Immigration Services ("USCIS") has forwarded Plaintiff Wael
7 Choughari's visa petition appeal to the Board of Immigration
8 Appeals ("BIA") and is in the process of coordinating with
9 United States Immigration and Customs Enforcement ("ICE") and
10 the BIA to stay Plaintiff Choughari's removal proceedings
11 pending resolution of his visa appeal. Because the district
12 court case may be resolved without further litigation, the
13 Government requests that this honorable Court grant a sixty
14 (60) day extension of time, up to and including February 17,
15 2012, in which to file a responsive pleading to Plaintiffs'
16 Complaint.

17 On December 13, 2011, undersigned counsel Sherease Pratt
18 spoke with Mr. Anthony D. Guenther, Plaintiffs' counsel, and he
19 does not oppose this request for an extension of time.

20 **II. ARGUMENT**

21 The Federal Rules of Civil Procedure provide for an
22 enlargement of time for cause shown.

23 When an act may or must be done within a specified
24 time, the court may, for good cause, extend the time:
25 (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

26 Fed. R. Civ. P., Rule 6(b)(1)(A).

1 1. Undersigned counsel will not be able to meet the
2 response deadline because they must coordinate a response with
3 agency counsel. Agency counsel for USCIS has forwarded
4 Plaintiff Wael Choughari's visa petition appeal to the BIA and
5 is in the process of coordinating with ICE and the BIA to stay
6 Plaintiff Choughari's removal proceedings pending resolution of
7 his visa appeal. Because the district court case may be
8 resolved without further litigation, the Government requests
9 that this honorable Court grant a sixty (60) day extension of
10 time, up to and including February 17, 2012, in which to file a
11 responsive pleading to Plaintiffs' Complaint.

12 2. This request is made prior to the expiration of the
13 time set by the Court to respond to Plaintiffs' Complaint.

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1 **III. CONCLUSION**

2 Therefore, the Defendants respectfully request that this
3 honorable Court grant a sixty (60) day extension of time, up to
4 and including February 17, 2012, in which to file a response to
5 Plaintiffs' Complaint (#1).

6 DATED this 16th day of December, 2011.

7 Respectfully submitted,

8 DANIEL G. BOGDEN
9 United States Attorney

10 /s/ Carlos A. Gonzalez
11 Carlos A. Gonzalez
12 Assistant United States Attorney

13 TONY WEST
14 Assistant Attorney General
15 Civil Division

16 JEFFREY S. ROBINS
17 Assistant Director
18 Office of Immigration Litigation

19 /s/ SHEREASE R. PRATT
20 SHEREASE R. PRATT
21 Trial Attorney
22 U.S. Department of Justice
23 Civil Division
24 Office of Immigration Litigation
25 P.O. Box 868, Ben Franklin Station
26 Washington, DC 20530
Telephone: (202) 616-0063
Facsimile: (202) 616-8962
sherease.pratt@usdoj.gov

Attorneys for Defendants

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: December 19, 2011