

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.
Lloyd George Federal Building, Suite 5000
5 Las Vegas, NV 89101
702-388-6336/702-388-6787
6 carlos.gonzalez2@usdoj.gov
TONY WEST
7 Assistant Attorney General, Civil Division
ELIZABETH STEVENS
8 Assistant Director, District Court Section
Office of Immigration Litigation
9 BRADLEY B. BANIAS
Trial Attorney
10 Office of Immigration Litigation
District Court Section
11 P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
12 202-532-4809/202-305-7000

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

| | | |
|-----------------------------|---|------------------------------|
| ERIC KURTH, <i>et al.</i> , |) | No. 2:11-cv-01638-JCM -PAL |
| |) | |
| Plaintiffs, |) | DEFENDANTS' UNOPPOSED MOTION |
| |) | FOR AN EXTENSION OF TIME TO |
| v. |) | ANSWER OR OTHERWISE RESPOND |
| |) | (FIRST REQUEST) |
| LEANDER HOLSTON, Field |) | |
| Director, Las Vegas, U.S. |) | |
| Citizenship and Immigration |) | |
| Services, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

21
22 Defendants, by and through their attorneys, Daniel G.
23 Bogden, United States Attorney for the District of Nevada,
24 Carlos A. Gonzalez, Assistant United States Attorney, and
25 Bradley Banias, Trial Attorney, United States Department of
26 Justice, respectfully request a thirty (30) day extension of

1 time, up to and including February 20, 2012, in which to file a
2 responsive pleading to Plaintiffs' Complaint. In support of
3 this request for an extension of time, Defendants rely upon the
4 Memorandum of Points and Authorities attached hereto and
5 incorporated herein.

6
7 Dated: January 12, 2012

Respectfully submitted,

8 DANIEL G. BOGDEN
United States Attorney

9
10 //S// CARLOS A. GONZALEZ
CARLOS A. GONZALEZ
Assistant United States Attorney

11 TONY WEST
12 Assistant Attorney General
Civil Division
13 ELIZABETH STEVENS
Assistant Director - District Court Section
14 Office of Immigration Litigation
BRADLEY B. BANIAS
15 Trial Attorney - District Court Section
Office of Immigration Litigation
16
17
18
19
20
21
22
23
24
25
26

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. BACKGROUND**

3 Plaintiffs filed their Complaint with the Court on October
4 11, 2011. The U.S. Attorney's Office was served on November
5 21, 2011, and as such, Defendants' response is due on January
6 20, 2012. Given the scope of Plaintiffs' factual and legal
7 allegations, Defendants seek additional time to fully review
8 and analyze Plaintiffs' allegations and to coordinate a
9 complete response to each allegation. Defendants, therefore,
10 request that this honorable Court grant a thirty (30) day
11 extension of time, up to and including February 20, 2012, in
12 which to file a responsive pleading to Plaintiffs' Complaint.

13 On January 11, 2011, undersigned counsel Bradley Bantias
14 conferred with Mr. Michael Kimbrell, Plaintiffs' counsel, and
15 he does not oppose this request for an extension of time.

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)(1)(A).

23 1. Because Defendants need additional time to analyze
24 Plaintiffs' allegations and coordinate a response amongst the
25 different agency Defendants, Defendants request that this
26 honorable Court grant a thirty (30) day extension of time, up

1 to and including February 20, 2012, in which to file a
2 responsive pleading to Plaintiffs' Complaint.

3 2. This request is made prior to the expiration of the
4 time to respond to Plaintiffs' Complaint.

5 3. On January 11, 2012, undersigned counsel Bradley
6 Bantias spoke with Mr. Michael Kimbrell, Plaintiffs' counsel,
7 and he does not oppose this request for an extension of time.

8 **III. CONCLUSION**

9 Therefore, Defendants respectfully request that this
10 honorable Court grant a thirty (30) day extension of time, up
11 to and including February 20, 2012, in which to file a response
12 to Plaintiffs' Complaint.

13 Dated: January 12, 2012

Respectfully submitted,

14 DANIEL G. BOGDEN
United States Attorney

15 //S// CARLOS A. GONZALEZ
16 CARLOS A. GONZALEZ
Assistant United States Attorney

17 TONY WEST
18 Assistant Attorney General
Civil Division
19 ELIZABETH STEVENS
Assistant Director - District Court Section
20 Office of Immigration Litigation
BRADLEY B. BANIAS
21 Trial Attorney - District Court Section
Office of Immigration Litigation
22

23
24 Dated:

IT IS SO ORDERED.

25 _____
UNITED STATES
26