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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ABDU SALEH, Beneficiary of a Visa)	
Petition Filed By TEHETENA DAGNA)	Case No. 2:13-cv-0586-GMN (GWF)
TEKLEWOLD,)	
)	DEFENDANT'S MOTION FOR STAY OF
Plaintiff,)	RULE 26(f) REPORT AND PROPOSED
v.)	SCHEDULING ORDER IN LIGHT OF
)	LAPSE OF APPROPRIATIONS
ERIC H. HOLDER, JR., Attorney)	
General of the United States,)	
)	
Defendant.)	

Defendant Attorney General Eric H. Holder, Jr. hereby moves for a stay in the above captioned case.

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

1 2. Absent an appropriation, Department of Justice attorneys are prohibited from working,
2 even on a voluntary basis, except in very limited circumstances, including “emergencies
3 involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

4 3. A Fed. R. Civ. Pro. 26(f) report and proposed scheduling order is due on October 20,
5 2013. Undersigned counsel for the Attorney General requests a stay until Congress has restored
6 appropriations to the Department.

7 4. If this motion for a stay is granted, undersigned counsel will notify the Court promptly
8 after Congress has appropriated funds for the Department. The Attorney General requests that,
9 at that point, all current deadlines for the parties be extended commensurate with the duration of
10 the lapse in appropriations.

11 5. Undersigned counsel attempted to contact plaintiff’s counsel, Dan Winder, before filing
12 this motion. As of the time this motion was filed, Mr. Winder had not had the opportunity to
13 inform undersigned counsel whether plaintiff would oppose this motion.

14 Therefore, although the Attorney General greatly regrets any disruption caused to the
15 Court and plaintiff’s counsel, he hereby moves for a stay in this case until Department of Justice
16 attorneys are permitted to resume their usual civil litigation functions.

17 CONCLUSION

18 Wherefore, Respondent respectfully requests that the Court stay the filing deadline for
19 the Rule 26(f) report and proposed scheduling order in this case due to the lapse in
20 appropriations.

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Respectfully submitted,

STUART F. DELERY
Assistant Attorney General
Civil Division

DAVID J. KLINE
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/s/ Sarah Maloney
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October 15, 2013

Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2 I certify that on October 15, 2013, I caused the foregoing Motion for a Stay of Rule 26(f)
3 Report and Proposed Scheduling Order Due to the Lapse in Appropriations to be electronically
4 filed with the Clerk of United States District Court, District of Nevada using the appellate
5 CM/ECF system. I also certify that plaintiff's counsel, identified below, is a registered CM/ECF
6 user, and service should be accomplished by the CM/ECF system.
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13 /s/ Sarah Maloney
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19 DATED: October 15, 2013
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Plaintiff,)
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v.)
)
ERIC H. HOLDER, JR., Attorney)
General of the United States,)
)
Defendant.)

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge