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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA
 LAS VEGAS, NEVADA**

District Judge: Richard F. Boulware II

8 Jessica Lynn Tkacz,)
 9 (for USCIS beneficiary Alayne C. Ferreira),)
 10 USCIS A# 086 992 502)
 11 Plaintiff,)
 12 v.)
 13 Jeh Johnson, Secretary of Department of)
 14 Homeland Security;)
 15 Jeanne Kent replacing Leander Holston,)
 16 Field Director USCIS, LasVegas ;)
 17 Daniel G. Bogden,)
 18 U.S. Attorney Nevada)
 19 Defendants)

Case No.: 2:14-cv-00092-RFB-CWH

**PLAINTIFF’S UNOPPOSED MOTION
 TO CONTINUE DEADLINE TO FILE
 CROSS MOTIONS FOR SUMMARY
 JUDGMENT (First Request)**

MEMORANDUM OF POINTS AND AUTHORITIES

22 The Plaintiff, Jessica Lynn Tkacz is a US citizen, filed an I-130 petition with US
 23 Citizenship and Immigration Service (USCIS) on behalf of her husband Alayne Ferreira to
 24 classify him as the beneficiary of a spousal petition. USCIS denied this petition on the grounds
 25 that the beneficiary committed marriage fraud as to his prior marriage. USCIS made an 8 USC
 §1154(c); INA §204(c) finding of marriage fraud which bars any subsequent I-130 approval with

1 the same beneficiary. A Notice of Intent to Deny was issued on the same day, May 13, 2011. A
2 response was timely filed and USCIS denied the I-130 petition with a finding of INA §204(c)
3 marriage fraud on August 11, 2011. A timely appeal was filed by the petitioner on September 8,
4 2011. The BIA received the appeal from the Las Vegas Field Office on February 16, 2012. The
5 BIA remanded the case on May 24, 2012. The couple had a subsequent USCIS interview on
6 August 30, 2012. A different USCIS officer interviewed the couple and subsequently issued a
7 Notice of Intent to Deny dated October 2, 2012. A timely response was filed on November 1,
8 2012. A Denial Notice was issued again and dated December 7, 2012. A timely appeal was
9 filed on January 4, 2013 at the Las Vegas Field Office. Counsel for the Plaintiff submitted a
10 brief within 30 days and the file was forwarded to the BIA. The BIA denied relief on December
11 20, 2013 and a civil complaint was then timely filed with this court.

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14 **PLAINTIFF'S UNOPPOSED MOTION TO CONTINUE DEADLINE TO FILE**
15 **CROSS MOTIONS FOR SUMMARY JUDGMENT (First Request)**
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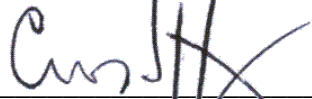
17 Plaintiff makes this unopposed motion for a continuance on filing the cross motions for
18 summary judgment. The cross motions for summary judgment are due on September 2, 2014.
19 This is the first request for a motion to continue in this matter. Although LR 26-4 requires a 21
20 day advance notice showing good cause to extend time of an order, unless the moving party can
21 demonstrate excusable neglect. Discovery was not requested in this case as it is an immigration
22 matter and the Defendant complied with providing a complete administrative record.

23 The reason why Plaintiff is requesting an extension of time within 21 days of the order to
24 file cross motions for summary judgment is because on July 28, 2014 (36 days before the
25 deadline to file cross motions for summary judgment) Plaintiff's counsel made a request to

1 Defendant's counsel if there can be a stipulation as to the major issue on this case and a possible
2 remand for adjudication of the I-130 by USCIS. Plaintiff's counsel received a reply that
3 Defendant's counsel was informed that the Defendant will not entertain such request on August
4 27, 2014. Accordingly, because of this most recent response, Plaintiff's counsel needs more time
5 to file his cross-motion for summary judgment.

6 This motion is made to possibly limit court costs and time as an agreement will dispose
7 of this case quickly. It is requested that a modest 14 day extension be granted to allow the
8 parties to further confer before the filing of the cross motions for summary judgment are due.
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11 IT IS SO ORDERED:

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13 _____
14 C.W. Hoffman, Jr.
15 United States Magistrate Judge
16 Dated: September 2, 2014.

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18 Dated this 29th Day of August 2014.

19 Respectfully Submitted,

20 /s/ Constantinos Gus Fountas

21 _____
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CERTIFICATE OF SERVICE

I, Constantinos Gus Fountas, Esq., Attorney for the Plaintiff, hereby certify that on August 29, 2014, I served a copy of the PLAINTIFF’S UNOPPOSED MOTION TO CONTINUE DEADLINE TO FILE CROSS MOTIONS FOR SUMMARY JUDGMENT (First Request) by the District Clerk’s electronic filing system to:

Samuel Go, Senior Litigation Counsel, Department of Justice-OIL

/s/ Constantinos Gus Fountas, Esq.

Attorney for Plaintiff