

1 JOYCE R. BRANDA  
 Acting Assistant Attorney General  
 WILLIAM C. PEACHEY  
 2 Director  
 COLIN A. KISOR  
 3 Deputy Director  
 DANIELLE K. SCHUESSLER  
 4 Trial Attorney  
 United States Department of Justice  
 5 Civil Division  
 Office of Immigration Litigation  
 6 District Court Section  
 P.O. Box 868, Ben Franklin Station  
 7 Washington, DC 20044  
 Tel. (202) 305-9698  
 8 Fax (202) 305-7000  
 Email: danielle.k.schuessler@usdoj.gov

9 DANIEL G. BOGDEN  
 United States Attorney  
 District of Nevada  
 10 ROGER W. WENTHE  
 Assistant United States Attorney  
 Nevada Bar No. 8920  
 United States Attorney's Office  
 11 333 Las Vegas Boulevard South, Suite5000  
 Las Vegas, Nevada 89101  
 12 Tel: 702-388-6336  
 Fax: 702-388-6787  
 13 Email: roger.wenthe@usdoj.gov

14 Attorneys for the United States.

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 UNITED STATES OF AMERICA, )  
 )  
 18 Plaintiff, )  
 )  
 19 v. )  
 )  
 20 RAZVAN MARCU, )  
 )  
 21 Defendant. )

22 CASE NO. 2:14-cv-159-RFB-CWH

23 **PLAINTIFF'S MOTION FOR A SIXTY-DAY EXTENSION OF DISCOVERY**

24 The United States, by its undersigned attorneys, hereby submits a Motion for a Sixty-Day  
 25 Extension of Discovery and Proposed Discovery Order, pursuant to Federal Rule of Civil  
 26

1 Procedure 26. Discovery is currently scheduled to close on January 30, 2015. Therefore, the  
2 Plaintiff requests that the discovery deadline be extended to March 31, 2015.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 This is an action by the United States to denaturalize the Defendant. The Defendant was  
5 incarcerated, but is now residing in a halfway house, through a federal residential reentry  
6 program (“RRM Phoenix”), at an undisclosed address. Defendant’s mail must go through RRM  
7 Phoenix, 230 N. First Ave., Suite 405, Phoenix, AZ 85003. As Defendant is not incarcerated, an  
8 extension would not prejudice him or the defense of his case.

9  
10 Plaintiff served Defendant, who is *pro se*, with discovery request on December 19, 2014,  
11 and has a deposition scheduled with Defendant for January 22, 2015. However, Plaintiff  
12 requests a sixty-day extension for the following reasons:

- 13 • Plaintiff’s lead counsel, Danielle K. Schuessler, is working with the Assistant U.S.  
14 Attorney in the Southern District of New York, who was the lead attorney for  
15 Defendant’s conviction for Conspiracy to Commit Wire Fraud, in order to find co-  
16 conspirators, witnesses, and confirm further evidence. Ms. Schuessler has discovered  
17 a number of co-conspirators she would like find and speak with, but the Assistant  
18 U.S. Attorney has been in trial from about December 10, 2014, to December 18,  
19 2014, which has inhibited communication.
- 20 • Ms. Schuessler has also submitted a request, through the U.S. Attorney’s Office for  
21 the Southern District of New York, for a sealed list of victims from Defendant’s  
22 conviction in that district, which will likely turn up witnesses with relevant  
23 information.  
24  
25  
26

- Ms. Schuessler also sent an official written request to the Federal Parole and Probation Office of Nevada to obtain information about Defendant and a potential witness. Ms. Schuessler was able to speak with the parole officer of the potential witness, but needs time to contact and set up a meeting with the witness.
- Ms. Schuessler has requested, and is waiting to receive, Defendant’s Alien File (“A-File”) from the U.S. Department of Homeland Security, Immigration and Customs Enforcement, but has been informed that, given the amount of people out of office through the holidays, she will likely not receive it until after January 2, 2015.
- Through discovery, Ms. Schuessler has learned that Defendant is divorced from his spouse, who petitioned for his lawful permanent resident status, and needs time to find and contact her as a potential witness.

As a result of these developments and the number of people with relevant information that will be out of the office or unreachable through the holidays, Plaintiff requests an extension of sixty days to complete discovery. Given that Defendant is no longer incarcerated, an extension would not be prejudicial.

Plaintiff therefore requests the following changes to the discovery schedule:

<u>Event</u>	<u>Current Due Date</u>	<u><b>REQUESTED DUE DATE</b></u>
Discovery Closes	January 30, 2015	<b>March 31, 2015</b>
Dispositive Motions Due	March 2, 2015	<b>April 30, 2015</b>
Joint Pretrial Order Due		
If no dispositive motions:	April 1, 2015	<b>May 30, 2015</b>
If dispositive motions filed:	30 days after disposition	<b>No Change Requested</b>

///

1 Date: December 22, 2014

Respectfully submitted,

2 JOYCE R. BRANDA  
Acting Assistant Attorney General  
3 Civil Division

4 WILLIAM C. PEACHEY  
5 Director

6 COLIN A. KISOR  
7 Deputy Director

8 s/ Danielle K. Schuessler  
DANIELLE K. SCHUESSLER  
Trial Attorney  
9 United States Department of Justice  
10 Office of Immigration Litigation  
District Court Section  
11 450 5th Street, N.W.  
Washington, D.C. 20001  
12 202-305-9698/ [danielle.k.schuessler@usdoj.gov](mailto:danielle.k.schuessler@usdoj.gov)

13 DANIEL G. BOGDEN  
14 United States Attorney

15 /s/ Roger W. Wenthe  
16 ROGER W. WENTHE  
Assistant United States Attorney

17 Attorneys for the United States  
18

19 IT IS SO ORDERED.

20 Date: December 23, 2014

21   
United States Magistrate Judge  
22  
23  
24  
25  
26

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was served on the party shown, by the method shown, on the date shown.

First Class Mail

Razvan Marcu  
Register No. 46132-048  
RRM Phoenix  
230 N. First Ave., Suite 405  
Phoenix, AZ 85003

Dated: December 22, 2014

s/ Danielle K. Schuessler  
DANIELLE K. SCHUESSLER  
Trial Attorney  
United States Department of Justice  
Office of Immigration Litigation  
District Court Section  
450 5th Street, N.W.  
Washington, D.C. 20001  
202-305-9698/ danielle.k.schuessler@usdoj.gov

Counsel for Plaintiff

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