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12  
 13 UNITED STATES DISTRICT COURT  
 14 DISTRICT OF NEVADA

15 SATHIRAWAT SAUBHAYANA,  
 16

17 Plaintiff,

18 v.

19 MERRICK B. GARLAND, U.S. Attorney  
 General, et al.,<sup>1</sup>  
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21 Defendants.  
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Case No. 2:17-cv-2655-JAD-EJY

**UNOPPOSED MOTION FOR LEAVE TO  
 FILE ANSWER AND TO EXTEND TIME  
 TO FILE ANSWER TO FIRST AMENDED  
 COMPLAINT  
 (Second Request)**

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<sup>1</sup> Merrick B. Garland has been automatically substituted as a party in this case pursuant Federal Rule Civil Procedure 25(d).

1 On March 4, 2021, the Court denied Defendants' motion to dismiss the first amended  
2 complaint. ECF No. 37. Defendants were required to answer by March 18, 2021. Fed. R. Civ. P.  
3 12(a)(4)(A). Defendants hereby move to file its answer out of time and to extend the time for the  
4 filing of their answer to the first amended complaint until April 8, 2021. This is the second  
5 extension of time sought in this action with respect to the Defendants' answer to the first  
6 amended complaint. However, it is the first request for an extension since the Court denied  
7 Defendants' motion to dismiss. The current filing deadline was March 18, 2021, pursuant to  
8 Federal Rule of Civil Procedure 12, which requires a response to a denied motion to dismiss  
9 within 14 days. The requested extension of time is based on the following:

- 10 1. This is a challenge to U.S. Citizenship and Immigration Services' ("USCIS") decision  
11 to deny Plaintiff's application for naturalization. *See* 8 U.S.C. § 1421(c).
- 12 2. Undersigned counsel requires additional time to prepare an answer and confer with  
13 Defendant agency, USCIS, regarding Plaintiff's allegations in his complaint.
- 14 3. Due to the COVID-19 pandemic, USCIS needs additional time to obtain Plaintiff's  
15 alien file, which it needs to draft its answer to Plaintiff's complaint.
- 16 4. Plaintiff, through counsel, indicated that he does not oppose this motion for an  
17 extension of time, by email on March 23, 2021. To that end, Defendants request  
18 additional time to answer the complaint, until April 8, 2021.

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21 Respectfully submitted,

22 BRIAN M. BOYNTON  
23 Acting Assistant Attorney General  
24 Civil Division

25 ELIANIS PEREZ  
26 Assistant Director  
Office of Immigration Litigation

By: /s/ Mary L. Larakers  
MARY L. LARAKERS

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10 **IT IS SO ORDERED.**

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12 **U.S. MAGISTRATE JUDGE**

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26 **Dated: March 24, 2021**