

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN DOE,

Plaintiff,

v.

CIV. NO. 08-1041 MCA/LFG

CITY OF ALBUQUERQUE,

Defendant.

UNOPPOSED MOTION TO CONTINUE TRIAL SETTING

COMES NOW PLAINTIFF, by and through the undersigned counsel, and respectfully requests that this Court vacate the *Minute Order Scheduling Bench Trial* (Doc. 53, entered July 22, 2009) in this matter and reschedule the bench trial, currently set for March 8, 2010, for a later date. As grounds, Plaintiff submits the following:

1. Counsel for Plaintiff, George Bach and Brendan Egan, are previously scheduled to appear in a three-week jury trial in another matter, *Buck, et. al. v. City of Albuquerque, et. al.*, 04-CV-1000 WJ/DJS, before the Honorable William P. Johnson. Said trial begins February 22, 2010, and is currently set to continue through March 12, 2010. *See* 04-CV-01000 WJ-DJS, Docs. 250 & 251, entered June 8, 2009.
2. Counsel for Defendant has been contacted and states that the Defendant does not oppose this motion.

WHEREFORE, Plaintiff respectfully requests that this Court vacate the *Minute Order Scheduling Bench Trial* (Doc. 53) and enter a new order scheduling the bench trial and related deadlines for a later date.

Respectfully submitted,

ACLU of NEW MEXICO

/s/ Brendan Egan 7/28/2009

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OF COUNSEL

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I HEREBY CERTIFY that on July 28, 2009, I filed the foregoing pleading electronically through the CM/ECF system and caused the following parties and/or counsel to be served electronically through the CM/ECF system:

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