



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/27/2021

U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

April 26, 2021

MEMO ENDORSED**VIA ECF**

Hon. Valerie E. Caproni
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: *Chen v. Mayorkas, et al.*, No. 21 Civ. 1881 (VEC)

Dear Judge Caproni:

This Office represents the government in this action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his Application to Register Permanent Residence or to Adjust Status (Form I-485). On behalf of the government, I write respectfully to request an on-consent extension of time of fourteen days to respond to the complaint (*i.e.*, from May 6 to May 20, 2021). I also respectfully request that the initial conference presently scheduled for April 30, 2021, be adjourned *sine die*.

The extension is respectfully requested because USCIS has received the plaintiff’s response to a Request for Evidence and the response is expected to be picked up by an adjudicator later this week, together with the relevant file. USCIS has informed this Office that it anticipates that it will take adjudicative action within the requested extended period, which potentially would render this action moot. This is the government’s first request for an extension of the deadline to respond to the complaint and to adjourn the initial conference. I apologize for making these requests after the submissions for the April 30 conference were due.

Plaintiff’s counsel consents to these requests.

I thank the Court for its consideration of this letter.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

By: s/ Michael J. Byars
MICHAEL J. BYARS
Assistant United States Attorney
Telephone: (212) 637-2793
Facsimile: (212) 637-2786
E-mail: michael.byars@usdoj.gov

cc: Counsel of record (via ECF)

Defendant's time to answer, move, or otherwise respond to the Complaint is adjourned to **Thursday, May 20, 2021**.

The initial pre-trial conference, currently scheduled for Friday, April 30, 2021 at 12:00 P.M., is hereby adjourned to **Friday, May 28, 2021 at 9:30 A.M.** Pre-conference submissions are due no later than **Thursday, May 20, 2021**. For the conference dial in information and a description of the requirements of the pre-conference submissions, the parties should consult the Court's March 5, 2021 Order at docket entry 10.

SO ORDERED.



Date: April 27, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE