

3. Plaintiff's time for responding to DOC's Motion to Dismiss is January 18, 2010, and thus has not yet expired.

4. On December 23, 2010, Defendants the United States of America, Dashanta Faucette, Dean Caputo, and Robert Kendall (the "Federal Defendants") filed a motion with the United States Judicial Panel on Multidistrict Litigation ("MDL Panel") requesting that pretrial proceedings in the above-referenced action be consolidated with proceedings in a related action filed by Plaintiff in the Northern District of Georgia on October 13, 2010. See Lyttle v. United States of America, et al., No.1:10-cv-03302-CAP (N.D. Ga.). [See Dkt. No. 26.]

5. On January 11, 2011, the Federal Defendants filed a Motion For A Temporary Stay Of Pretrial Proceedings [Dkt. No. 27 (the "Motion to Stay")], seeking to stay this action until the MDL Panel ruled on the pending motion to consolidate this case and the related action pending in the Northern District of Georgia.

6. Plaintiff has filed his Notice of Consent to Stay [Dkt. No. 28], in which he indicates that all parties have consented to the Motion to Stay pending a ruling from the MDL Panel on the Federal Defendants' motion for consolidation.

7. Plaintiff respectfully requests that this Court enter the Order attached hereto as Exhibit "A" extending his time to respond to DOC's Motion to Dismiss up through the later of (i) January 25, 2011, or (ii) should this Court enter the stay

requested by the Federal Defendants in their Motion to Stay prior to January 25, 2011, then up through the seventh (7th) day after the expiration or lifting of such stay.

8. Counsel for Plaintiff has conferred with counsel for DOC and is authorized to represent to the Court that DOC does not oppose the requested extension.

Respectfully submitted this 13th day of January, 2011.

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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2011, I electronically filed the preceding ***UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER DEFENDANT'S MOTION TO DISMISS*** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all parties of record.

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