



3. On January 13, 2011, Plaintiff filed his First Unopposed Motion for Extension of Time [Dkt. 28], which was granted on January 14, 2011 [Dkt. 31]. By virtue of the first extension, Plaintiff's time for responding to DOC's Motion to Dismiss is January 25, 2010, and thus has not yet expired.

4. This Court is currently considering a Motion For A Temporary Stay Of Pretrial Proceedings [Dkt. No. 27 (the "Motion to Stay")], which seeks to stay this action until the MDL Panel rules on the pending motion to transfer and consolidate pretrial proceedings in the above-referenced with the proceedings in a related action pending in the Northern District of Georgia. See Lyttle v. United States of America, et al., No.1:10-cv-03302-CAP (N.D. Ga.). [See Dkt. No. 26.]

5. All parties have consented to the pending Motion to Stay and the parties are awaiting a ruling on that Motion.

6. 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) February 4, 2011, or (ii) should this Court enter the stay requested by the Federal Defendants in their Motion to Stay prior to February 4, 2011, then up through the seventh (7th) day after the expiration or lifting of such stay.

7. 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 21st day of January, 2011.

**MCKINNEY & JUSTICE, P.A.**

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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 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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