

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**Case No. 4:10-cv-142-D**

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| <p><b>MARK DANIEL LYTTLE,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>UNITED STATES OF AMERICA, et al.,</b></p> <p style="text-align: center;"><b>Defendants.</b></p> | <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> | <p><b>MOTION FOR EXTENSION OF TIME<br/>TO ANSWER OR OTHERWISE<br/>RESPOND TO AMENDED COMPLAINT<br/>BY ALL FEDERAL DEFENDANTS</b></p> <p><b>Fed. R. Civ. P. 6(b), 15(a)(3)<br/>Local Civil Rule 6.1</b></p> |
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**FEDERAL DEFENDANTS’ UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 6(b)(1)(A) and 15(a)(3) and Local Civil Rule 6.1, all federal defendants in this action (the United States, Dashanta Faucette, Dean Caputo, and Robert Kendall) respectfully request that the Court extend the time for them to answer or otherwise respond to plaintiff’s amended complaint by sixteen days, up to and including June 24, 2011. This is the first such extension of time requested by the federal defendants to answer or otherwise respond to plaintiff’s recently-filed amended complaint. Counsel for the federal defendants has conferred with counsel for plaintiff, Mark Daniel Lyttle, and is authorized to represent that plaintiff does not oppose the relief requested in this motion.

On April 27, 2011, Lyttle filed a motion seeking leave of Court to amend his complaint. Docket No. 40. The Court granted that motion in an Order dated May 24, 2011. Docket No. 42. In compliance with that Order, Lyttle filed his amended complaint on May 25, 2011. Docket No.

44. The federal defendants therefore currently have until June 8, 2011, to answer or otherwise respond to Lyttle's amended complaint. *See* Fed. R. Civ. P. 15(a)(3).

As the Court is likely aware, Lyttle has filed a companion case in the Northern District of Georgia. *See Lyttle v. United States*, No. 10-3302 (N.D. Ga.). The parties are presently briefing the federal defendants' dispositive motions in that case, with Lyttle recently filing an unopposed motion to extend the time for him to respond to those motions by no later than June 24, 2011.

In an effort save valuable judicial resources, the three individual federal defendants anticipate filing a joint, consolidated motion and supporting brief when responding to Lyttle's amended complaint. The United States anticipates filing its own, separate dispositive motion. But to have adequate time to prepare a thorough analysis of the legal and factual issues raised by the amended complaint, and to coordinate the briefing in both of Lyttle's cases, the federal defendants respectfully request that the Court permit them to file their dispositive motions and materials in support thereof in this case by no later than June 24, 2011.

Respectfully submitted this 26th day of May 2011,

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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that on May 26, 2011, I electronically filed “Federal Defendants’ Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Complaint and for Leave to File Consolidated Brief” using the Court’s CM/ECF system, which will send notification of such filing to the following counsel of record:

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