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

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

	)
MARK DANIEL LYTTLE,	)
	)
Plaintiff,	) MOTION FOR EXTENSION OF TIME
	) TO FILE OVERSIZE REPLY BRIEFS
<b>v.</b>	) BY ALL FEDERAL DEFENDANTS
	)
UNITED STATES OF AMERICA, et al.,	)
	) Fed. R. Civ. P. 6(b)
Defendants.	) Local Civil Rules 6.1, 7.2
	)

## FEDERAL DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OVERSIZE REPLY BRIEFS

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Local Civil Rules 6.1 and 7.2, 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 file reply briefs in support of their respective motions to dismiss by seven days, up to and including August 18, 2011. The federal defendants also request leave to exceed the ten-page limit for reply briefs by no more than five pages per reply brief. 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 June 24, 2011, the United States filed a motion to dismiss the three claims brought against it in Lyttle's first amended complaint. Docket No. 47. That same day the three individual federal defendants filed a consolidated motion to dismiss the three claims brought against them. Docket No. 48. On July 1, 2011, the Court granted Lyttle's unopposed motion for

a one-week extension of time to file his response briefs in opposition to those motions to dismiss, which Lyttle did on July 25, 2011. Docket Nos. 55, 56, 57. The United States and the individual federal defendants are therefore currently required to file reply briefs in support of their respective motions to dismiss by no later than August 11, 2011. *See* Fed. R. Civ. P. 6(d); Local Civil Rule 7.1(f). All federal defendants respectfully request a one-week extension of time, up to and including August 18, 2011, by which to file their respective reply briefs.

In addition, to provide the Court with a thorough and thoughtful analysis of the issues raised by Lyttle in his respective response briefs, the federal defendants request leave to file reply briefs up to five pages in excess of the Court's normal ten-page limit on reply briefs, for a total of no more than fifteen pages per reply brief. *See* Local Civil Rule 7.2(e).

Respectfully submitted this 28th day of July 2011,

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/s/ David G. Cutler

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#### **CERTIFICATE OF SERVICE**

I certify under penalty of perjury that on July 28, 2011, I electronically filed the attached "Federal Defendants' Unopposed Motion for Extension of Time to File Oversize Reply Briefs" using the Court's CM/ECF system, which will send notification of such filing to the following counsel of record:

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