

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
4:10-CV-142-D**

MARK DANIEL LYTTLE,)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES OF AMERICA,)
et al.,)
)
Defendants.)

**PLAINTIFF’S MOTION TO FILE OUT OF TIME
A RESPONSE TO FEDERAL DEFENDANTS’ OBJECTIONS
TO THE MEMORANDUM AND RECOMMENDATION**

Plaintiff Mark Daniel Lyttle (“Plaintiff” or “Mr. Lyttle”) respectfully moves this Court to permit him to file a response out of time to the Federal Defendants’ Objections to the Magistrate Judge’s Memorandum and Recommendation (Doc. 78). Plaintiff seeks only to notify the Court that he disagrees with the arguments set forth in the Federal Defendants’ Objections for the reasons already articulated in Plaintiff’s Responses in Opposition to the Federal Defendants’ Motions to Dismiss, filed July 25, 2011 (Docs. 56 & 57), and Plaintiff’s Objection to the Memorandum and Recommendation, filed December 8, 2011 (Doc. 79).

Plaintiff’s proposed Response is attached hereto as Exhibit “A.”

Doc. 81

LYTTLE v. THE UNITED STATES OF AMERICA et al

DocketUnita.com

Respectfully submitted this 30th day of December, 2011.

**AMERICAN CIVIL LIBERTIES UNION
OF NORTH CAROLINA LEGAL FOUNDATION**

/s/ Katherine Lewis Parker
KATHERINE LEWIS PARKER
NC Bar No. 36263
Legal Director, American Civil Liberties Of
North Carolina Legal Foundation
Post Office Box 28004
Raleigh, North Carolina 27611
Telephone: (919) 834-3466
Facsimile: (866) 511-1344
acluncklp@nc.rr.com

With Co-Counsel:

MCKINNEY & JUSTICE, P.A.

/s/ Jeremy L. McKinney
JEREMY L. MCKINNEY
N.C. Bar No. 23318
ANN MARIE DOOLEY
N.C. Bar No. 33895
jeremy@mckinneyandjustice.com
annmarie@mckinneyandjustice.com
910 North Elm Street
Post Office Box 1800
Greensboro, North Carolina 27402
Telephone 336.275.5885
Facsimile 336.275.6045
*Cooperating Attorneys for the American Civil
Liberties Union of North Carolina Legal Foundation*

TROUTMAN SANDERS LLP

/s/ Michael E. Johnson

MICHAEL E. JOHNSON

Georgia Bar No. 395039

michael.johnson@troutmansanders.com

BRIAN P. WATT

Georgia Bar No. 741841

brian.watt@troutmansanders.com

ALEXANDRIA J. REYES

Georgia Bar No. 428936

alex.reyes@troutmansanders.com

Bank of America Plaza, Suite 5200

600 Peachtree Street, N.E.

Atlanta, Georgia 30308-2216

(404) 885-3000 Tel

(404) 885-3900 Fax

**AMERICAN CIVIL LIBERTIES UNION
IMMIGRANTS' RIGHTS PROJECT**

/s/ Judy Rabinovitz

JUDY RABINOVITZ

American Civil Liberties Union Foundation

Immigrants' Rights Project

125 Broad Street, 18th Floor

New York, NY 10004

Telephone: (212) 549-2618

Facsimile: (212) 549-2654

jrabinovitz@aclu.org