UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

RYAN NOAH SHAPIRO JASON LEOPOLD,	and)
	Plaintiffs,)
v.) Case No. 1:13-cv-1139 (RBW)
DEPARTMENT OF JUST	ICE,)
	Defendant.))

<u>DEFENDANT'S MOTION FOR EXTENSION OF TIME RESPOND</u> TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT

Defendant, by and through the undersigned Assistant United States Attorney, hereby moves under Fed. R. Civ. P. 6(b) for an extension of time until September 9, 2013, to respond to Plaintiffs' Motion for Partial Summary Judgment, and to answer or otherwise respond to Plaintiffs' complaint; and states the following in support.

- 1. On July 26, 2013, Plaintiffs filed their complaint seeking relief under the Freedom of Information Act (FOIA) with respect to two FOIA requests submitted to the FBI. On July 31, 2013, Plaintiffs moved for partial summary judgment with respect to their request for expedited processing of their FOIA requests. Defendant's response to the motion for partial summary judgment is due August 12, 2013, and Defendant's response to the complaint is due August 30, 2013.
- 2. As a matter of judicial economy, Defendant seeks to file responses to the complaint and motion simultaneously. The FBI has completed its search for potentially responsive records and expects to finish processing the records by September 9. Additionally,

the undersigned has conflicts with both of the current deadlines. The undersigned is preparing a motion for summary judgment due August 12, 2013 in *Morris v. McCarthy*, No. 11-701 (D.D.C.); and is scheduled to be out of the office on August 30, 2013 on previously planned leave.

- 3. Fed. R. Civ. P. 6(b)(1)(A) provides that the time for an act to be done may be extended for "good cause" upon a motion filed before the original time to act expires.
- 4. Good cause exists here. The brief extension sought will allow the FBI to complete processing, which would moot Plaintiff's Motion for Partial Summary Judgment.

 Additionally, the additional time will allow Defendant to prepare the appropriate responses to be prepared and filed. The requested extension will not unduly delay adjudication of this action.
- 5. Per Local Civ. R. 7(m), the undersigned has conferred with Plaintiff's counsel and he opposes this motion.

Wherefore, for the foregoing reasons, Defendant respectfully requests that the deadlines for responding to Plaintiffs' Complaint and Motion for Partial Summary Judgment be extended until September 9, 2013. Per Local Civ. R. 7(c), a proposed order is attached.

Respectfully submitted,

RONALD C. MACHEN JR. D.C. BAR # 447889 United States Attorney

DANIEL F. VAN HORN D.C. BAR # 9240922 Chief, Civil Division

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