

United States District Court  
Western District of Texas  
San Antonio Division

John Eakin,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. SA-16-CV-0972-RCL
	§	
United States Department	§	
of Defense,	§	
	§	
Defendant.	§	

**Defendant’s Unopposed Motion for Extension of Time to File  
Response to Plaintiff’s Motion for Leave to File First Amended Complaint**

The Defendant, United States Department of Defense (“DoD”), hereby moves for an extension of time to respond to Plaintiff’s Motion for Leave to File First Amended Complaint (EFC No. 58), and in support thereof states as follows:

1. Plaintiff, John Eakin, filed his original Complaint in this matter on September 30, 2016.
2. Plaintiff’s original Complaint related, in pertinent part, to a Freedom of Information Act (FOIA) request he made to the DoD on May 10, 2016. The FOIA request was for all World War II Individual Deceased Personnel Files (IDPFs) and/or X-Files, which existed in digital or electronic format at the time of that request.
3. Plaintiff and the DoD have engaged in lengthy litigation since Plaintiff filed his original Complaint and the DoD has produced thousands of documents to Plaintiff. This Court has also entered several orders related to this matter.
4. In the most recent decision on December 17, 2019, the Court denied Plaintiff’s Partial Motion for Summary Judgment. [ECF No. 54]. In its opinion, this Court specifically held that it lacked subject-matter jurisdiction concerning Plaintiff’s request for the digitized M-Z IDPFs. [ECF No. 53, 9].

5. On February 19, 2020, Plaintiff filed a Motion for Leave to File First Amended Complaint, to which this Defendant is opposed. Plaintiff proposes amending his September 30, 2016 Complaint to add in the M-Z IDPFs addressed in the Court's December 2019 order.

6. Defendant's response to Plaintiff's motion is due on or before February 26, 2020.

7. Defendant needs additional time to respond to the allegations and demands in Plaintiff's motion. Specifically, counsel for the government must consult with the DoD on any pending FOIA request(s) from Plaintiff and the status of the digitized files. Counsel will then need time to draft an appropriate response.

8. For these reasons, the government requests an additional 30 days or until March 27, 2020, to respond to Plaintiff's motion.

9. Undersigned counsel has exchanged emails with Mr. Eakin regarding this request and Mr. Eakin does not oppose an extension of time.

For the reasons cited herein, DoD respectfully requests an additional 30 days or until March 27, 2020, to respond to Plaintiff's motion.

DATED: February 24, 2020

Respectfully submitted,

John F. Bash  
United States Attorney

By: /s/ Jacquelyn M. Christilles  
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Attorneys for Defendant

**Certificate of Service**

I certify that a true and correct copy of the foregoing was electronically filed via the Court's CM/ECF system on this 24th day of February, 2020, and that Plaintiff will receive a copy of same via the Court's CM/ECF system as follows:

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*PRO SE*

/s/ Jacquelyn M. Christilles  
Jacquelyn M. Christilles  
Assistant United States Attorney