

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOHN EAKIN	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL CASE NO. 5:16-cv-0972-RCL
	§	
UNITED STATES	§	
DEPARTMENT OF DEFENSE	§	
	§	
Defendant	§	
	§	

**UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO DEFENDANT’S
SECOND MOTION FOR SUMMARY JUDGMENT, OR, IN THE ALTERNATIVE
MOTION FOR OPEN AMERICA STAY**

Plaintiff John Eakin, *pro se*, respectfully moves for an extension of time to respond to Defendant’s Second Motion for Summary Judgment, or in the Alternative Motion for *Open America Stay*. ECF 76. Counsel for Defendant does not oppose this motion.

Currently pending before this court is Plaintiff’s Opposed Motion to Lift *Open America Stay* and for better search. ECF 71 This motion has been fully briefed and is ripe for decision. A hearing was held on this motion on November 23, 2020.

The newly filed Second Motion for Summary Judgment, or in the Alternative Motion for *Open America Stay* addresses the same issues addressed in Plaintiff’s Motion to Lift Stay and for better search. Defendant recognizes that the ruling on Plaintiff’s existing motion may affect the DoD’s ability to review the M-Z files. ECF 76 at 8.

Therefore, judicial economy would be served by staying action on the newly filed motion pending the Court’s ruling on Plaintiff’s motion. ECF 71 Plaintiff requests an extension of time to respond to Defendant’s Second Motion for Summary judgment (ECF 76) for fourteen (14)

days after the Court has ruled on his existing motion (ECF 71), unless the Court's ruling makes such response moot.

Respectfully submitted,

/s/ John Eakin

John Eakin, Plaintiff *pro se*
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was electronically filed via the Court's CM/ECF system on this the 2ND day of December, 2020, and notification of such filing will be sent to the following:

Jacquelyn M. Christilles
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/s/ John Eakin

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