

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOHN EAKIN,	§	
Plaintiff,	§	
	§	
v.	§	NO. SA-10-CA-0784-FB-NN
	§	
UNITED STATES DEPARTMENT OF	§	
DEFENSE; ROBERT M. GATES,	§	
Secretary of Defense,	§	
Defendants.	§	

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND
TO PLAINTIFF'S COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes, the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and respectfully moves this Court to grant Defendants until December 1, 2010 in which to answer or otherwise plead to Plaintiff's Complaint. In support hereof, the U.S. Attorney shows the Court as follows:

1. Plaintiff alleges a Freedom of Information Act ("FOIA") and Administrative Procedure Act ("APA") action seeking injunctive and other relief.
2. We are in the process of obtaining information through agency procedures about Plaintiff's case, which appears to be voluminous.
3. This request will not unduly delay these proceedings nor cause the Plaintiff any undue hardship.
4. The undersigned conferred with Plaintiff on November 1, 2010, and Plaintiff does not oppose the motion to extend time to answer or otherwise respond to Plaintiff's Complaint, up

to and including December 1, 2010.

WHEREFORE, premises considered, the undersigned assistant United States Attorney moves the Court to allow Defendants until **December 1, 2010** to answer or otherwise respond to Plaintiff's Complaint.

Respectfully submitted,

JOHN E. MURPHY
UNITED STATES ATTORNEY

By: /s/ Dimitri N. Rocha
DIMITRI N. ROCHA
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by certified mail, return receipt requested on this 1st day of November, 2010 addressed as follows:

John Eakin, *Pro Se*
9865 Tower View Road
Helotes, Texas 78023

CMRRR 7179 1000 1642 2146

/s/ Dimitri N. Rocha
DIMITRI N. ROCHA
Assistant United States Attorney

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NO. SA-10-CA-0784-FB-NN

ORDER

On this day, came on for consideration Defendants' Unopposed Motion for Extension of Time to Respond to Plaintiff's Complaint (DE __). The Court having reviewed said Motion finds that (DE __) should be, and hereby is, **GRANTED**.

It is so **ORDERED** that Defendants shall have until **December 1, 2010** to answer or otherwise respond to Plaintiff's Complaint.

Signed this the _____ day of _____, 2010.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE