

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NEANG CHEA TAING,)	
)	
Plaintiff,)	Civil Action No. 07-10499 WGY
)	
v.)	
)	
ALBERTO GONZALES, Attorney General)	
of the United States, <u>et al.</u> ,)	
)	
Defendants.)	
)	

**ASSENTED-TO MOTION FOR FURTHER EXTENSION OF TIME
TO FILE MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, defendants Alberto Gonzales, Attorney General of the United States; Michael Chertoff, Secretary of the U.S. Department of Homeland Security; Emilio T. Gonzales, Director, U.S. Citizenship and Immigration Services (“USCIS”); Denis Riordan, District Director, USCIS, hereby move for a further extension of time of 21 days, or until August 2, 2007, in which to file a Fed. R. Civ. P. 12(b)(6) motion to dismiss for failure to state a claim upon which relief can be granted. Counsel for the plaintiff has assented to this motion. In further support of this motion, defendants say as follows:

1. On March 14, 2007, plaintiff Neang Chea Taing filed a Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief on Behalf of Surviving Spouse of a United States Citizen. The government has since filed two motions for extension of time in which to answer or otherwise respond to the complaint, in order to consult with the U.S. Citizenship and Immigration Services and the Office of Immigration Litigation, U.S. Department of Justice, regarding the government’s position in this case. Both motions were allowed by this Court.

2. Those consultations are now complete, and the government will be filing a motion to dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6). The parties have consulted regarding scheduling and are in agreement that the government should have until August 2, 2007, in which to file the anticipated motion, so as not to interfere with other commitments and vacation schedules.

3. On July 12, 2007, undersigned counsel spoke with counsel for the plaintiff, Thomas Stylianos, Jr., Esq., regarding this motion, and Mr. Stylianos stated that he would assent to this motion.

WHEREFORE, with good cause having been shown, defendants respectfully request that this Court grant them a further extension of time of 28 days, or until August 2, 2007, in which to file a motion to dismiss for failure to state a claim upon which relief can be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Mark T. Quinlivan
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Dated: July 12, 2007

LOCAL RULE 7.1(a)(2) CERTIFICATE AND CERTIFICATE OF SERVICE

Pursuant to Local Rule 7.1(a)(2), I certify that, on July 12, 2007, I spoke with counsel for the plaintiff, Thomas Stylianos, Jr., Esq., regarding this motion, and that Mr. Stylianos stated that he would assent to this motion.

/s/ Mark T. Quinlivan
MARK T. QUINLIVAN
Assistant U.S. Attorney