

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:17-cv-21382-DPG

AMERICAN CIVIL LIBERTIES UNION OF  
FLORIDA,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY and U.S. CUSTOMS AND  
BORDER PROTECTION,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF  
TIME TO FILE RESPONSE TO COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants, by and through counsel, respectfully move for a forty-five (45) day enlargement of time for their response to the Complaint, through and including August 3, 2017. Counsel for Plaintiff have advised that this request is not opposed by Plaintiff. In support of this motion, the undersigned counsel states as follows:

1. Plaintiff filed the Complaint in this action under the Freedom of Information Act ("FOIA") on April 12, 2017. *See* ECF No. 1.
2. On April 10 and 12, 2017, twelve other groups of ACLU affiliates filed substantially similar Complaints in twelve other federal district courts across the country.
3. Plaintiff served the Complaint and Summons in this action upon the United States Attorney for the Southern District of Florida on May 19, 2017.

4. Pursuant to 5 U.S.C. § 554(a)(4)(C), Defendants' response to the Complaint is due by June 19, 2017, provided that service is perfected in accordance with Federal Rule of Civil Procedure 4(i).<sup>1</sup>

5. On May 8, 2017, Defendants filed a motion with the Judicial Panel on Multidistrict Litigation to transfer this action and the other twelve actions to the U.S. District Court for the District of Columbia pursuant to 28 U.S.C. § 1407. *See* ECF No. 8.

6. Defendants intend to file—and have already filed in eleven of the twelve other courts where the related actions are pending—motions for temporary stays of proceedings pending a decision by the Judicial Panel on Multidistrict Litigation. Defendants' counsel have been advised that these motions will be opposed by the ACLU-affiliate plaintiffs in all of the related actions.

7. Defendants seek an extension of 45 days within which to respond to the Complaint in this action. This extension would provide the Court with time to consider Defendants' forthcoming stay motion before Defendants are required to respond to the Complaint, and would provide Defendants with additional time to prepare their response in the event that their stay motion is denied.

8. Provided that service has been perfected by Plaintiff, the requested extension would result in Defendants' response to the Complaint being due on or before August 3, 2017.

9. Counsel for Plaintiff has advised that Defendants' request for this 45-day extension is not opposed by Plaintiff.

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<sup>1</sup> Rule 4(i) requires Plaintiff(s), in addition to serving the United States Attorney, to send a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C., and to the defendant agencies, in order to perfect service. Defendants reserve the right to challenge any deficiencies in service, to the extent they exist, at the appropriate time.

WHEREFORE, Defendants respectfully request that the Court grant this motion and extend the deadline for their response to the Complaint until August 3, 2017.

Dated: May 26, 2017

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General

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Acting United States Attorney

ELIZABETH J. SHAPIRO  
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*Attorneys for Defendants U.S. Department of Homeland Security and U.S. Customs and Border Protection*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by CM/ECF on May 26, 2017, on all counsel or parties of record on the Service List below.

/s/ Chetan A. Patil  
Chetan A. Patil

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I hereby certify that a true and correct copy of the foregoing was also served by first class mail on May 26, 2017 on the following:

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U.S. DEPARTMENT OF HOMELAND  
SECURITY and U.S. CUSTOMS AND  
BORDER PROTECTION,

Defendants.

**ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME TO FILE RESPONSE TO COMPLAINT**

THIS MATTER is before the Court upon Defendants' unopposed motion for enlargement of time to respond to the complaint. Having carefully considered the same, and finding good cause has been shown, it is

ORDERED AND ADJUDGED that Defendants' motion is GRANTED. Defendants shall have up to and including August 3, 2017 to file their answer or otherwise respond to the complaint.

DONE AND ORDERED at Miami, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Hon. Darrin P. Gayles  
United States District Judge

cc: All counsel of record