

No. 12-15498 [Dist Ct. No.: 2:10-CV-02911-JAM-EFB]

IN THE
UNITED STATES COURT OF APPEAL
FOR THE NINTH CIRCUIT

RICHARDS ENOS; et al.,
Plaintiffs - Appellants,

vs.

ERIC HOLDER; et al.,
Defendants - Appellees.

APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**UNOPPOSED MOTION BY APPELLANTS:
REQUEST OF EXTENSION OF TIME TO
FILE BRIEFS AND
EXCERPT OF RECORD**

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Counsel for Plaintiff - Appellants

Motion

Appellants hereby request a 30-day extension of time to file their opening brief and excerpt of record.

Declaration of Counsel

I, Donald Kilmer, declare as follows:

1. I am attorney of record in this matter for the Appellants.
2. I am a sole practitioner and have trials and appellate briefs due in other matters in the next 60 days.
3. Furthermore, Appellant/Plaintiffs are diligently working to complete the excerpt of record and prepare their opening brief in this matter.
4. The current scheduling order requires Appellant/Plaintiffs' brief and excerpt of record to be filed on or before June 8, 2012.
5. This is the first request by Appellant/Plaintiffs for an extension of time.
6. Appellants hereby request an order from this Court as follows:
 - A. Appellants' opening brief and excerpt of record shall be served and filed on Monday, July 9, 2012.
 - B. Appellee's brief shall be filed and served on or before August 9, 2012.
 - C. The optional Appellant reply brief shall be filed and served within fourteen days of service of the Appellee's brief.

7. I have an email in my file from Anisha Dasgupta that was copied to her co-counsel Michael S. Raab (both are counsel of record for the Appellees) in which they state that they do not oppose this request and will not oppose this motion.

Date: May 9, 2012

/s/ Donald Kilmer
Donald Kilmer for Appellants