

No. 13-16684

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CENTER FOR BIOLOGICAL DIVERSITY, *et al.*,

Plaintiffs-Appellants,

v.

UNITED STATES FOREST SERVICE,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
Civil Case No. 12-8176

**UNOPPOSED MOTION FOR 7-DAY EXTENSION OF TIME TO FILE
ANSWERING BRIEF**

The United States Forest Service moves this Court, pursuant to Fed. R. App. P. 26(b) and 27, for a seven (7) day extension of time to file its answering brief in the above-captioned appeal. The answering brief currently is due on January 29, 2014, on a 30-day extension sought using the Court's streamlined procedure. The Forest Service requests an additional seven (7) day extension of the filing date, to and including February 5, 2014. The motion is unopposed.

This motion is based upon the declaration of Allen M. Brabender, Attorney, Environment and Natural Resources Division, U.S. Department of Justice. I, Allen M. Brabender, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney in the Appellate Section of the Environment and Natural Resources Division of the U.S. Department of Justice, and I am charged with the primary responsibility for representing the United States here.

2. The answering brief currently is due on January 29, 2014, upon obtaining a 30-day extension using the Court's streamlined procedure.

3. The United States requests an additional seven (7) day extension of time to file its answering brief, to and including February 5, 2014.

4. Because of my other professional responsibilities I will not be able to file the answering brief in this matter by the current deadline, despite my diligence in working on the matter. Those obligations include:

a. I am the lead attorney for the Federal Defendants in the appeal, *Bear Valley Mutual Water District v. Jewell* (9th Cir. 12-57297), and was responsible for preparing and filing the government's brief on January 2, 2014.

b. I am an attorney for the United States in the appeal, *United States v. Mazza* (2d Cir. 13-2540), and was responsible for preparing and filing an opposition to a motion for bail pending appeal while the lead attorney is overseas. The Second Circuit has decided to hear oral argument on the motion, and I will be arguing the motion on January 29, 2014, in New York.

c. I am the lead attorney for the United States in the consolidated appeals, *United States v. Good* (8th Cir. 13-3799, 13-3800, 13-3801, 13-3802, 13-3803), and am responsible for filing the government's opening brief (if the Solicitor General authorize the appeals), currently due on February 3, 2014

d. I am the lead attorney for the Federal Defendants in the appeal, *Salix v. U.S. Forest Service* (9th Cir. 13-35624), and am responsible for filing the government's brief on cross-appeal currently due on February 20, 2014.

5. The requested extension will also help accommodate the review period required for approval of any brief the Forest Service will file in this appeal by, among others, the United States Department of Agriculture and the Acting Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice.

6. I will exercise diligence to ensure that the Forest Service's answering brief will be filed within the additional time requested.

I certify, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed this 21st day of January 2014.

Respectfully submitted,

/s/ Allen M. Brabender

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DJ # 198-14100

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2014, I electronically filed the foregoing with the Clerk of the United States Court of Appeals for the Eighth Circuit using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Allen M. Brabender

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