

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JAMES DEREK MIZE and JONATHAN :
DANIEL GREGG, individually and on :
behalf of their minor child, S.M.-G., :

Plaintiffs, :

v. :

Civ. No. 1:19-CV-03331-MLB

MICHAEL R. POMPEO, in his official :
capacity as Secretary of State, and THE :
U.S. DEPARTMENT OF STATE, :

Defendants. _____ :

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

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure (FRCP), Defendants the United States Department of State and the Honorable Michael R. Pompeo, Secretary of State (“Defendants” or “the Government”), respectfully request that the Court grant Defendants an enlargement of time of 31 days, to and including November 4, 2019, to respond to the Complaint (ECF No. 1).

In support of this request, Defendants state the following:

(1) Plaintiffs James Derek Mize and Jonathan Daniel Gregg, individually and on behalf of their minor child, S.M.-G., filed the Complaint on July 23, 2019.

(2) The United States Attorney was served with a summons and copy of the Complaint on August 5, 2019. Certificate of Service, Sept. 20, 2019 (ECF No. 30).

(3) Pursuant to FRCP Rule 12(a)(3), Defendants’ response to the Complaint is currently due October 4, 2019.

(4) Currently pending before the United States Court of Appeals for the Ninth Circuit is Defendants' appeal of a district court judgment entered in a related case, *Dvash-Banks v. Pompeo, et al.*, No. 18-cv-523 (C.D. Cal.). *Dvash-Banks v. Dept' of State*, No. 19-55517 (9th Cir.). As in this case, plaintiffs in *Dvash-Banks* challenged the Government's decision to deny the applications for a Consular Report of Birth Abroad and passport of a minor child conceived abroad via artificial reproductive technology. On February 21, 2019, the United States District Court for the Central District of California issued an opinion granting summary judgment in favor of plaintiffs, declaring the minor acquired United States citizenship at birth. Judgement was entered accordingly on March 6, 2019. The Government filed a notice of appeal on May 6, 2019.

(5) The Government's opening brief in *Dvash-Banks* is currently due October 11, 2019. The legal issues presented by *Dvash-Banks* are complex, and the preparation of the Government's brief will require consulting multiple stakeholders within the State Department and within other government agencies and components. The requested enlargement of time will permit Defendants sufficient time to finalize its brief in *Dvash-Banks*, which will help to clarify Defendants' position, before preparing and filing a response to the Complaint in this case.

(6) Defendants submit that this extension is not requested for the purpose of undue delay, and further submit that the schedule will not prejudice the conduct of the litigation.

(7) This is Defendants' first motion to extend any deadlines in the case.

(8) Counsel for Plaintiffs has represented that Plaintiffs do not oppose the requested enlargement of time.

Good cause, therefore, exists for Defendants' request. Accordingly, Defendants request that the Court extend Defendants' time to file a response to the Complaint.

Dated: September 26, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ANTHONY J. COPPOLINO
Deputy Director

/s/ Alexis J. Echols
ALEXIS J. ECHOLS
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Attorneys for Defendants

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CERTIFICATE OF COMPLIANCE

I certify that the documents to which this certificate is attached have been prepared with one of the font and point selections approved by the Court in LR 5.1B for documents prepared by computer.

/s/ Alexis J. Echols
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**[PROPOSED] ORDER GRANTING DEFENDANTS' UNOPPOSED
MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO THE COMPLAINT**

Before the Court for consideration is Defendants' Unopposed Motion for Extension of Time to File Response to the Complaint. Defendants seek a 31-day extension of time, to and including November 4, 2019, to file a response to Plaintiffs' Complaint.

For good cause shown, Defendants' Unopposed Motion for Extension of Time to File Response to the Complaint IS GRANTED, and

IT IS ORDERED THAT the time in which Defendants must respond to the Complaint by November 4, 2019.

SO ORDERED this ____ day of September 2019.

MICHAEL L. BROWN
UNITED STATES DISTRICT JUDGE