

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE
LAWYERS,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION, *et al.*,

Defendants.

Civ. A. No. 18-cv-2399 (KBJ)

CONSENT MOTION FOR TEMORARY STAY

Pursuant to Federal Rules of Civil Procedure 6(b), the Federal Bureau of Prisons (“BOP”) and United States Department of Justice (“DOJ”) (“Defendants”), by and through counsel, respectfully that the Court temporarily stay the time for Defendants to answer or otherwise respond to Plaintiff’s Amended Complaint in this matter until fourteen (14) days after the restoration of funding for DOJ and BOP. In support of this Motion, the Defendants state as follows:

1. On November 18, 2018, Plaintiff filed an Amended Complaint in this matter, seeking injunctive and other relief to compel the release of agency records related to the alleged federal government’s collection and monitoring of emails between inmates held in BOP facilities and their attorneys. ECF No. 9.

2. This Court earlier granted the Defendants’ prior motion for an extension to respond to the Amended Complaint to January 14, 2019, after previous counsel for the

Defendants had become unable to prepare a response to the Amended Complaint because of an extremely serious health issue that has afflicted a very close family member.

3. Subsequent to the Court's Order granting the extension of time, the appropriations act that had been funding the DOJ and BOP expired and appropriations to those entities lapsed as of midnight on December 21, 2018. It is currently unknown when funding will be restored by Congress.


4. Absent an appropriation, DOJ and BOP employees are generally prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. As a result, the Defendants are limited in their ability to review and process Plaintiff's FOIA request and are further unable to consult with counsel in order to prepare a response to the Amended Complaint during the pendency of the lapse in appropriations.

5. Undersigned counsel therefore requests a stay of the deadline for the Defendants' response to the Amended Complaint until fourteen (14) days after Congress has restored appropriations to DOJ and BOP.

6. Pursuant to Local Civil Rule 7(m), counsel for the Defendants contacted counsel for Plaintiff to discuss this Motion and the reasons for an extension of time. Undersigned counsel was informed by Plaintiff's counsel that Plaintiff consents to the relief requested.

Wherefore, for the reasons set forth above, the Defendants respectfully request that the Court stay the time for Defendants to answer or otherwise respond to Plaintiff's Amended Complaint until fourteen (14) days after Congress has restored appropriations to DOJ and BOP.

Respectfully submitted,

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Civ. Action No. 18-cv-2399 (KBJ)

ORDER

Upon consideration of Defendants' Consent Motion for a Temporary Stay, the fact that Plaintiff consent thereto, and the entire record in this case; it is this _____ day of January 2019, hereby

ORDERED, that the Defendants' Motion is hereby GRANTED, and it is further

ORDERED, that the time for Defendants to answer or otherwise respond to Plaintiff's Amended Complaint is stayed until fourteen (14) days after Congress has restored appropriations to the Department of Justice and the Bureau of Prisons.

KETANJI BROWN JACKSON
UNITED STATES DISTRICT JUDGE