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8  
 9 UNITED STATES DISTRICT COURT  
 DISTRICT OF ARIZONA

10 KENNETH ALLEN,  
 11 Plaintiff,

09-CV-00373-TUC-FRZ

12 v.

13 DEPARTMENT OF HOMELAND  
 14 SECURITY and U.S. DEPARTMENT OF  
 STATE, *et al.*,  
 15 Defendants.

**CONSENT MOTION FOR  
 EXTENSION OF TIME TO FILE (1)  
 REPLY IN SUPPORT OF PARTIAL  
 MOTION TO DISMISS AND (2)  
 OPPOSITION TO PLAINTIFF'S  
 MOTION FOR VAUGHN INDEX  
 (First Request)**

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 18 Pursuant to LRCiv 7.2 and 7.3, Defendants the U.S. Department of Homeland  
 19 Security and the U.S. Department of State hereby move for the extension of Defendants' time  
 20 to (1) file a reply in support of their motion to dismiss [Dkt. #15] and (2) file an opposition to  
 21 Plaintiff's motion for a Vaughn index [Dkt. #20].

22 **MEMORANDUM IN SUPPORT**

23 In this Freedom of Information Act action, Plaintiff Kenneth Allen seeks, *inter alia*,  
 24 records concerning one "Barry Soetoro," and perhaps concerning President Barack Obama  
 25 (although Plaintiff has disclaimed interest in the latter, *see* Pl.'s Obj. to Def.'s Mot. to  
 26 Dismiss at 2-3), from the Department of Homeland Security and the Department of State. At  
 27 issue in the aforementioned filings is the question of whether Plaintiff must comply with  
 28

1 regulations requiring FOIA requesters seeking records concerning living third persons to  
2 provide valid privacy waivers from such persons before federal agencies will process their  
3 requests and what effect a failure to comply with such regulations has on a Plaintiff's  
4 ability to seek relief in district court. In the interests of efficiency, Defendants propose to  
5 address these matters in a single, consolidated reply and opposition. Moreover, Defendants'  
6 counsel will be occupied with other matters and will be out of the office for a number of the  
7 days leading up to Defendants' current deadlines (October 22 and October 29, respectively).  
8 Accordingly, Defendants request that the deadline for both filings be extended to November  
9 5, 2009. This is the first request for extension regarding these matters, and Plaintiff consents  
10 to this requested relief.

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12  
13 Dated: October 15, 2009

Respectfully submitted,

14 TONY WEST  
Assistant Attorney General

15 ELIZABETH J. SHAPIRO  
16 Deputy Branch Director

17 s/ Brigham J. Bowen  
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25 *Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2009, I caused a copy of the foregoing Motion to be sent via first-class mail, postage pre-paid, to:

Kenneth L. Allen  
10055 E. Gray Hawk Dr.  
Tucson, AZ 85730

October 15, 2009

s/ Brigham J. Bowen

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