



U.S. Department of Justice

Civil Division

Washington, DC 20530

July 11, 2014

By ECF

Honorable Edward R. Korman
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Abidor et al. v. Napolitano et al., CV-10-4059 (Korman, J.) (Azrack, M.J.)
(E.D.N.Y.)

Dear Judge Korman:

Defendants are in receipt of Plaintiffs' Supplemental Memorandum in Support of Plaintiffs' Motion for Reconsideration (the "Memorandum"). Dkt. 64. The Supplemental Memorandum seeks to transform Plaintiffs' initial, more limited motion asking this Court to reconsider its December 31, 2013 Order dismissing Plaintiff Abidor's claims for lack of standing (Dkt. 38) into a broader motion seeking reconsideration of the Court's order "dismissing Plaintiff Abidor's claim on both justiciability and merits grounds." Dkt. 64 at 10. In this latest filing, Plaintiffs seek to justify the expansion of the relief on their contention that the Court's decision in this action is inconsistent with the Supreme Court's recent decision in Riley v. California, -- U.S.--, 2014 WL 286443 (June 25, 2014). In addition, Plaintiffs seek to rely on the Second Circuit's recent decision in United States v. Ganius, No. 12-240-cr, 2014 WL 2722618 (2d Cir. June 17, 2014), to support Plaintiff Abidor's request for expungement.

In light of deadlines in other cases, as well as defense counsel's previously planned absence from the office July 18-27, and the need to coordinate their response with relevant government agencies, Defendants respectfully request that they be given until August 11, 2014 to file a response to the Supplemental Memorandum.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

STUART F. DELERY
Assistant Attorney General

ELLIOT M. SCHACHNER
Assistant U.S. Attorney

DIANE KELLEHER
Assistant Branch Director

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s/Marcia K. Sowles
Marcia K. Sowles
Senior Counsel
U.S. Department of Justice, Civil Division

cc: Counsel of Record
(Via ECF)