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10 **UNITED STATES DISTRICT COURT**  
 11 **CENTRAL DISTRICT OF CALIFORNIA**

12 HUMAN RIGHTS WATCH,

13 Plaintiff,

14 v.

15 DRUG ENFORCEMENT  
 16 ADMINISTRATION et al.,

17 Defendants.

NO. CV 2:15-2573 PSG (JPR)

**DEFENDANTS' REQUEST TO  
 CONTINUE HEARING ON  
 PLAINTIFF'S MOTION FOR  
 EXPEDITED DISCOVERY AND  
 COMBINE IT WITH HEARING  
 ON DEFENDANTS' MOTION  
 TO DISMISS**

Date:  
 Time:  
 Courtroom 880 – Roybal  
 Hon. Philip S. Gutierrez

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 25 Defendants hereby respectfully request that, should the Court wish to hear  
 26 oral argument in regard to Plaintiff's Motion for Expedited Discovery, the Court  
 27 continue the hearing on that Motion, currently scheduled for July 13, 2015, until  
 28 August 17, 2015. Although August 17 is closed for new civil motions on the

1 Court's calendar, it is the date previously noticed for hearing Defendants' Motion  
2 to Dismiss. In the interest of preserving the resources of this Court and the parties,  
3 Defendants request that both motions be heard at the same time on August 17,  
4 2015.

5 Good cause exists for such a continuance under the circumstances of this  
6 case. Defendants have explained in their Motion to Dismiss that Plaintiff lacks  
7 standing to pursue this action. *See* Dkt. No. 24. Defendants incorporated their  
8 arguments in support of dismissal in their opposition to Plaintiff's Motion for  
9 Expedited Discovery. *See* Dkt. No. 25, at 5. Indeed, as Defendants explained, if the  
10 Court agrees that Plaintiff lacks standing, this case will end and no discovery  
11 would be appropriate. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94  
12 (1998) ("Without jurisdiction the court cannot proceed at all in any cause.").

13 The arguments presented in Defendants' Motion to Dismiss are therefore  
14 clearly relevant to Plaintiff's Motion for Expedited Discovery. Having Defendants'  
15 fully-briefed Motion to Dismiss before it would assist this Court in evaluating  
16 Plaintiff's Motion for Expedited Discovery by allowing the parties to present in  
17 full their arguments regarding jurisdictional issues. Indeed, in its reply in support  
18 of its Motion for Expedited Discovery, Plaintiff suggested that it was  
19 disadvantaged by the fact that it has not yet filed its memorandum in opposition to  
20 Defendants' Motion to Dismiss. Dkt. No. 26, at 2 n.1. Defendants would similarly  
21 benefit from the opportunity to file their Reply in support of their Motion to  
22 Dismiss before any hearing occurs. It would promote the efficient use of judicial  
23 resources to hold the hearings for both motions at the same time.<sup>1</sup>

24 Plaintiff's opposition to Defendants' Motion to Dismiss is due July 27,  
25 2015; Defendants' Reply is due August 3, 2015; and the hearing on Defendants'

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27 <sup>1</sup> In the alternative, Defendants respectfully suggest that no hearing on Plaintiff's  
28 Motion for Expedited Discovery is necessary in order to deny that Motion pending  
resolution of Defendants' Motion to Dismiss.

1 Motion is scheduled for August 17, 2015. Accordingly, Defendants respectfully  
2 request that the hearing on Plaintiff's Motion for Expedited Discovery be  
3 continued until August 17, 2015, in order to coincide with the hearing on  
4 Defendants' Motion.<sup>2</sup>

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7 Dated: July 7, 2015

Respectfully submitted,

8  
9 BENJAMIN C. MIZER  
10 Principal Deputy Assistant Attorney General  
11 EILEEN DECKER  
12 United States Attorney  
13 JOHN R. TYLER  
14 Assistant Director, Federal Programs Branch

15 /s/ Kathryn L. Wyer  
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27 <sup>2</sup> Undersigned counsel for Defendants has conferred with counsel for Plaintiff  
28 regarding this request, who indicates that Plaintiff opposes the request and intends  
to file a short opposition.

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10 **UNITED STATES DISTRICT COURT**  
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18 Defendants.  
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NO. CV 2:15-2573 PSG (JPR)

**ORDER ON DEFENDANTS’  
 REQUEST TO CONTINUE  
 HEARING ON PLAINTIFF’S  
 MOTION FOR EXPEDITED  
 DISCOVERY AND COMBINE  
 IT WITH HEARING ON  
 DEFENDANTS’ MOTION TO  
 DISMISS**

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 23  
 24 Having considered Defendants’ Request to Continue Hearing on Plaintiff’s  
 25 Motion for Expedited Discovery, the opposition thereto, and the entire record  
 26 herein, the Court hereby GRANTS Defendants’ Request. The hearing on Plaintiff’s  
 27 Motion for Expedited Discovery is hereby CONTINUED to August 17, 2015, to  
 28 coincide with the hearing on Defendants’ Motion to Dismiss.

IT IS SO ORDERED

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The Honorable Philip S. Gutierrez  
United States District Judge

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