

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

**PUB. EMP. FOR ENV'T RESPONSIBILITY**

**Plaintiff**

**v.**

**BUREAU OF INDIAN EDUCATION,**

**Defendant.**

**Civil Action No. 23-2194 (ABJ)  
(ECF)**

**MOTION TO ENLARGE TIME TO FILE DEFENDANT'S ANSWER  
OR OTHER RESPONSE TO PLAINTIFF'S COMPLAINT**

Pursuant to the Federal Rules of Civil Procedure ("Rule") 6(b)(1)(A), the Bureau of Indian Education ("Defendant"), by and through undersigned counsel, respectfully requests an enlargement of time until October 3, 2023, to file Defendant's Answer or other response to the Complaint filed by Public Employees for Environmental Responsibility ("Plaintiff"). In support hereof, Defendant respectfully proffers the following good cause:

1. Plaintiff commenced this action under the Freedom of Information Act, 5 U.S.C. § 552, *et seq.* ("FOIA"), "seeking the report of investigation compiled by BIE in the latter half of 2022 concerning wide-ranging improprieties, ranging from sexual assaults on students to embezzlement and theft of property at Haskell [Indian Nations University]." *See* ECF No. 1 at 3 ¶ 11. Defendant's response to Plaintiff's Complaint is now due and this is Defendant's first request for an enlargement.

2. This case was assigned to the undersigned last week in the midst of numerous other deadlines and the undersigned is still in the process of discussions with Agency Counsel to determine how the Agency would like to approach this litigation.

3. The undersigned had been unable to engage Agency Counsel more meaningfully last week due to an uptick in the number of cases being handled by this Office and the aforementioned previously existing deadlines. Thus, the undersigned is constrained to request this enlargement in order to engage Agency Counsel and prepare an appropriate response to Plaintiff's complaint.

4. The undersigned does not request this enlargement lightly or to unduly delay an adjudication of this action. Rather, this enlargement furthers the interest of litigation because it enables the undersigned to confer with both Agency and Opposing counsels as necessary. Furthermore, it does not conflict with any other existing deadlines in this case.

5. Pursuant to LCvR 7(m), the undersigned conferred with Plaintiff's counsel who graciously consented to this request.

Wherefore, Defendant respectfully requests that the Court grant this enlargement of time to file Defendant's response to Plaintiff's Complaint. A proposed Order reflecting the requested relief is attached for the Court's consideration, but a Minute Order would be just a welcome if the Court prefers.

\* \* \*

August 30, 2023

Respectfully submitted,

MATTHEW M. GRAVES, D.C. Bar #481052  
United States Attorney

BRIAN P. HUDAK  
Chief, Civil Division

By: \_\_\_\_\_/s/  
KENNETH ADEBONOJO  
Assistant United States Attorney  
United States Attorney's Office-DC  
601 D Street, N.W. – Civil Division  
Washington, D.C. 20530  
Telephone: (202) 252-2562

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**ORDER**

After considering this motion, the record herein, and applicable law,

it is this \_\_\_\_ day of \_\_\_\_\_, 202\_, hereby

**ORDERED**, that the Defendant's motion is hereby GRANTED; and it is

**FURTHER ORDERED**, that Defendant shall respond to Plaintiff's Complaint no later than October 3, 2023.

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HON. AMY BERMAN JACKSON  
UNITED STATES DISTRICT JUDGE