

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

IN RE PETITION OF LUKE NICTER

)
) Misc. No. 12-74 (RCL)
)

SECOND MOTION FOR EXTENSION OF TIME

Counsel for the government respectfully requests a two week extension of time in which to respond to this miscellaneous action. This is the second request for an extension of time sought by the government. With the extension, the government's response would be due May 18, 2012. Good cause exists to support this request, as set forth below:

1. On February 7, 2012, the Court ordered that a series of correspondence between the court and university professor Luke Nichter be docketed as a new miscellaneous action petitioning for the unsealing of certain documents set forth in the correspondence. The order waived the filing fee, directed the Clerk of the Court to serve a copy on the Department of Justice, and ordered the government to respond within thirty days. *See* Order (ecf. #2).
2. Undersigned counsel, having received the documents only after some delay, sought a sixty day extension of time, *nunc pro tunc*. The Court granted that extension on March 20, 2012. The government's response is currently due May 5, 2012. *See* Order (ecf #5).
3. The government requires an additional two weeks in which to complete its response to the petition. Although undersigned counsel has now reviewed the materials, there remains the need to coordinate and finalize the Department's position. The petitioner's request for the content of illegally obtained wiretaps poses an unusual legal issue that the Department intends to address in its response. In addition, undersigned counsel has been subject to a confluence of deadlines in other pending matters, such as the cases of *The New York Times v. DOJ*, Civil

Action No. 11-9336, and *ACLU v. DOJ*, Civil Action No. 12-794, both in the Southern District of New York. The press of business makes it necessary, therefore, that counsel seek this additional extension of time.

5. Counsel attempted to contact Mr. Nichter to obtain his consent to this request. By the end of the day on May 3, 2012, Mr. Nichter had not yet responded to a voicemail message. A further two week extension of time, however, should be not be unduly prejudicial to petitioner. Accordingly, the Department asks that its request for a second extension of time, until May 18, 2012, be granted.

Dated: May 3, 2012

Respectfully submitted,

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