

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JAN 9 1978

MURRAY L. HARRIS, CLERK

By Deputy *[Signature]*

DOE, et al.,)
Plaintiffs,)
vs.)
PLYLER, et al.,)
Defendants)

UNITED STATES OF)
AMERICA, Amicus)
Curiae)

NO. TY-77-261-CA

MOTION FOR ADDITIONAL TIME TO FILE BRIEF

At the Hearing held in this action on December 12 and 16, 1977, the Court granted the United States permission to participate as amicus curiae with full rights of a party. The United States indicated that it wished to present its position on the issues by submitting its views in writing following the conclusion of the hearing. The Court granted the United States permission to proceed in this manner and requested that it file its written position with the Court by January 7, 1978. The United States now respectfully requests that it be permitted until January 23, 1978, to file its written position. This request is made for the following reasons:

1. The Record of Proceedings of the December hearing was not available to the United States until January 4, 1978. The United States wishes to include appropriate references to the record in its statement of position.

2. The process of review in formulating the position of the United States is timeconsuming, particularly when the policies and programs of several agencies are involved and when significant questions of Constitutional interpretation are present. That process has not yet been completed.

WHEREFORE, the United States respectfully requests that the Court grant it until January 23, 1978, to file its written statement of position.

Respectfully submitted,

JOHN HANNAH, JR.
United States Attorney

DREW S. DAYS III
Assistant Attorney General

Michael B. Wise

ALEXANDER C. ROSS
JOSEPH D. RICH
MICHAEL B. WISE
Attorneys
Department of Justice
Washington, D.C. 20530

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Additional Time To File Brief upon all counsel of record by sending a copy by United States mail, postage prepaid, addressed as follows:

Peter D. Roos
Linda Hanten
MALDEF
28 Geary Street, 6th Floor
San Francisco, California 94108

Larry Daves
Post Office Box 1115
Room 604
Bryant Petroleum Building
Tyler, Texas 75701

Suzan Cardwell
Lonny Zwiener
Assistant Attorney General of Texas
Supreme Court Building
Post Office Box 12548
Austin, Texas 78711

This the *4th* day of January, 1978.



MICHAEL B. WISE
Attorney
Civil Rights Division
Department of Justice
Washington, D.C. 20530