

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**DAVID A. FOLEY,**

**Plaintiff,**

v.

**JOSEPH R. BIDEN, JR.,**

In his official capacity as the President of  
the United States of America,

**Defendant.**

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**Civil Action No. 4:21-cv-01098-O**

**ORDER**

Before the Court are Defendant’s Motion for Extension of Time to Respond to Complaint (ECF No. 23), filed November 22, 2021; Plaintiff’s Response (ECF No. 24), filed November 23, 2021; and Defendant’s Reply (ECF No. 25), filed November 24, 2021. After reviewing the briefing, relevant facts, and applicable law, the Court finds the Motion is **GRANTED in part**.

Defendant requests a deadline to respond to the original complaint of thirty days following any order denying Plaintiff’s Motion for Leave to Amend, (ECF No. 22), filed November 12, 2021. Mot. 3, ECF No. 23. The Defendant’s deadline to respond to Plaintiff’s Motion for Leave to Amend is December 3, 2021. If the Court denies the Plaintiff’s motion, Plaintiff’s complaint may be subject to dismissal. Therefore, to prevent potentially unnecessary filings, the Court finds Defendant’s Motion is **GRANTED in part**, Defendant’s response to the Complaint is **21 days** after any order denying Plaintiff’s Motion for Leave to Amend.

**SO ORDERED** on this **29th day of November, 2021**.

  
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**Reed O'Connor**  
**UNITED STATES DISTRICT JUDGE**