

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	Case No.: 1:25-cv-02863
Plaintiff,	)	
	)	Hon. John F. Kness
v.	)	
	)	
CARLOS ALBERTO ALEMAN-VERTIZ,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION
TO ENLARGE HIS COMPLAINT RESPONSE PERIOD**

The United States of America ("Plaintiff") responds to Carlos Alberto Aleman-Vertiz's ("Defendant's") motion, ECF No. 6, seeking a 180-day enlargement of Defendant's time by which to respond to the Complaint filed in this matter pursuant to 8 U.S.C. § 1451(a). For the following reasons, Plaintiff consents to a 60-day enlargement, which would afford Defendant 120 days to respond to the Complaint. Plaintiff opposes an enlargement of Defendant's response date beyond 60 days.

PROCEDURAL BACKGROUND

On April 15, 2025, after filing the Complaint on March 18, 2025, Plaintiff personally served Defendant at Danville Correctional Center through the U.S. Marshals Service. *See* ECF No. 4.

Defendant's response to the Complaint is due June 14, 2025. *Id.*; *see also* 8 U.S.C. § 1451(b) (providing civil naturalization revocation defendants 60 days to respond to a complaint).

On May 21, 2025, this Court issued a Minute Entry scheduling a telephonic initial status hearing for July 9, 2025, and directing the parties to file a joint initial status report no later than ten days prior to that hearing.¹ ECF No. 5.

On May 22, 2025, Defendant filed a Motion for Enlargement of Time (i) seeking “an additional 180 days’ time in which to respond to the most recent pleading filed by opposing counsel”; (ii) citing his Complaint response due date as May 24, 2025;² and (iii) noting that he is “trying to find counsel . . . [and is] currently incarcerated and unavailable to response [sic] due to lack of understanding.” ECF No. 6.

ARGUMENT

Plaintiff acknowledges that Defendant is appearing *pro se* and is incarcerated, and he therefore lacks complete freedom of access that could help him readily identify and coordinate with an attorney of his choice. Notwithstanding these limitations, Plaintiff believes that a 60-day enlargement of time – that is, the addition of 60 days to Defendant’s current response date of June 16, 2025, which would put Defendant’s new response date at August 15, 2025 – would provide Defendant a reasonable amount of time to seek counsel in this matter and to file a response to the Complaint.

It is important to note that, under 8 U.S.C. § 1451(b), Congress provides naturalization revocation defendants a statutory 60-day period to respond to naturalization revocation

¹ In light of the enlargement of time that Defendant seeks, along with Plaintiff’s consent to a 60-day enlargement of Defendant’s Complaint response due date, Plaintiff submits that a stay of the Court’s status report and status hearing requirements outlined in its May 21, 2025 Minute Entry is in order, pending the outcome of Defendant’s efforts to obtain counsel.

² The Complaint response due date Defendant cites is erroneous. As noted above, naturalization revocation defendants such as Defendant are provided a 60-day complaint response period, *see* 8 U.S.C. § 1451(b), which puts Defendant’s response date, without any enlargement, at June 16, 2025.

complaints, which is a significantly lengthier response period than the 21 days ordinarily provided under Federal Rule of Civil Procedure 12(a)(1)(a)(i). *See McNeil v. United States*, 508 U.S. 106, 113 (1993) (quoting *Mohasco Corp. v. Silver*, 447 U.S. 807, 826 (1980)) (noting litigation challenges encountered by incarcerated and/or pro se litigants and concluding that, “[a]s we have noted before, ‘in the long run, experience teaches that strict adherence to the procedural requirements specified by the legislature is the best guarantee of evenhanded administration of the law.’”). Accounting for the 60-day response period that is statutorily provided to Defendant, Plaintiff nonetheless believes that the additional 60 days to which Plaintiff consents here – which would provide Defendant *a total of 120 days from the date of service to obtain counsel and determine the form of response Defendant would provide to the Complaint* – is a reasonable amount of time to provide for Defendant’s response.

CONCLUSION

Accordingly, Plaintiff opposes the 180-day enlargement of response time that Defendant seeks and requests that the Court instead enlarge Defendant’s final date by which to respond to the Complaint by 60 days, with the revised response due date set as August 15, 2025.

Dated: May 23, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General
United States Department of Justice
Civil Division

JENNIFER J. KEENEY
Associate Director
Office of Immigration Litigation
General Litigation & Appeals Section

JOHN J. W. INKELES
Chief
Affirmative Litigation Unit

J. MAX WEINTRAUB
Senior Litigation Counsel

By: /s/ Christopher W. Hollis
CHRISTOPHER W. HOLLIS
Trial Attorney
United States Department of Justice
Office of Immigration Litigation
General Litigation & Appeals Section
Affirmative Litigation Unit
P.O. Box 878, Ben Franklin Station
Washington, DC 20044
Tel.: (202) 305-0899; Fax: (202) 616-8962
christopher.hollis@usdoj.gov

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 23, 2025, I caused a copy of the foregoing PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO ENLARGE HIS COMPLAINT RESPONSE PERIOD to be filed on the Court's electronic filing system and to be mailed by U.S. Postal Service First Class Mail to the following address of record for Defendant.

Carlos Alberto Aleman-Vertiz
IDOC # 
Danville Correctional Center
3820 East Main Street
Danville, IL 61834

/s/ Christopher W. Hollis
CHRISTOPHER W. HOLLIS
U.S. Department of Justice