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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BOVIN OKOTH MARCO,

Petitioner,

vs.

POLLY KAISER, et al.,

Respondents

Case No.: 1:25-cv-01936-KES-SAB

**MOTION FOR LEAVE TO FILE
OPPOSITION ONE DAY LATE
(OR, IN THE ALTERNATIVE, MOTION
FOR EXTENSION OF TIME NUNC PRO
TUNC)
(Fed. R. Civ. P. 6(b)(1)(B))**

Petitioner Bovin Okoth Marco, by and through counsel, respectfully moves for leave to file his Opposition to Respondents' Motion to Dismiss and Reply in Support of Temporary Restraining Order one day after the deadline set by the Court's minute order of December 19, 2025.

This Motion is brought pursuant to Federal Rule of Civil Procedure 6(b)(1)(B), which permits the Court, for good cause, to extend time after a deadline has expired upon a showing of excusable neglect.

I. GOOD CAUSE AND EXCUSABLE NEGLECT

The Opposition was due on **December 29, 2025**, and was filed **one day late**. The brief delay was unintentional, occurred in good faith, and resulted from circumstances that constitute excusable neglect.

MOTION FOR LEAVE TO FILE OPPOSITION ONE DAY LATE(OR, IN THE ALTERNATIVE, MOTION FOR EXTENSION OF TIME NUNC PRO TUNC)(FED. R. CIV. P. 6(B)(1)(B)) - 1

1 As set forth in the accompanying Declaration of Counsel, undersigned counsel
2 departed the United States for Sierra Leone on December 28, 2025. Respondent's response to the
3 petition was entered on December 23rd, 2025. By the time counsel's office received notification
4 of this response, it was after office hours for the **PACER Service Center** which operates on
5 Eastern Standard Time. Due to the holiday period and intervening weekend, counsel's staff was
6 unable to obtain the required **access code** to retrieve filings from the Court's electronic portal.
7 Access was only possible on December 29th, 2025 by 4pm.

8
9 Immediately upon obtaining access and receiving Respondents' Motion to Dismiss, counsel
10 promptly prepared the Opposition, which was filed on December 30, 2025. While in transit and
11 thereafter, counsel has remained in communication with his office regarding this matter.
12

13 The delay was minimal, caused no prejudice to Respondents, did not affect any
14 scheduled hearing, and occurred in the context of an emergency habeas proceeding involving
15 ongoing detention and constitutional claims. Courts routinely grant relief under Rule 6(b) in such
16 circumstances, particularly where the delay is brief and the matter is of significant importance.
17

18 **II. NO PREJUDICE TO RESPONDENTS**

19 Respondents suffer no prejudice from a one-day delay. The Opposition has now
20 been filed, Respondents have had notice of Petitioner's intent to oppose, and the Court's ability
21 to adjudicate the matter on the merits is unaffected. By contrast, denying leave would unduly
22 penalize Petitioner in a case involving physical liberty interests.
23

24 **III. INTEREST OF JUSTICE**

25 The strong preference for resolving matters on their merits—especially in habeas
26 cases—supports granting this Motion. The interests of justice are served by permitting the Court
27 to consider Petitioner's Opposition and TRO reply in full.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant leave to file the Opposition one day later, or alternatively, grant an extension of time nunc pro tunc, and deem the Opposition timely filed.

Dated: December 30, 2025

Respectfully submitted,

/S/

Alieu M. Iscandari, Esq.
Attorney for Petitioner
ISCANDARI & ASSOCIATES