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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Phuong Dien Dang Tran,  
Petitioner,  
vs.  
Eric H. Holder, Jr., et al,  
Respondents.

No. CV-10-1906-PHX-FJM

**ORDER**

The court has before it the government’s motion for limited remand, or in the alternative motion to extend time to file an answer to the Petition for Review (doc. 24), petitioner’s response (doc. 25), and the government’s reply (doc. 26).

The United States Citizenship and Immigration Services (USCIS) has twice reviewed petitioner’s naturalization application and twice denied it on separate grounds—the first time for lack of good moral character and failure to present mitigating evidence, the second time based on a conclusion that petitioner had been convicted of an aggravated felony which rendered him ineligible for naturalization. In his complaint, petitioner seeks *de novo* review of the denial of his naturalization application (doc. 1).

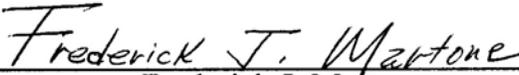
USCIS asserts that, pursuant to 8 C.F.R. § 103.5, it is prepared to reconsider its denial of petitioner’s naturalization application and asks this court to remand the case back to USCIS. Petitioner opposes the motion to remand, arguing that USCIS has already reviewed

1 the naturalization application twice and urges this court to conduct a *de novo* review and  
2 grant his application.

3 The government is intimately familiar with the issues in this case and is willing to  
4 reconsider its own decision on petitioner's application. We think it is in the best interest of  
5 judicial efficiency and economy to allow the government to reconsider its decision. In its  
6 motion for remand, USCIS asserts that it will reopen, reconsider, and issue a new decision  
7 on petitioner's naturalization application within 45 days after remand, and further that it will  
8 notify this court within 10 days of its decision. We will hold the government to this timeline.

9 Therefore, **IT IS ORDERED GRANTING** the government's motion for remand  
10 (doc. 24). The government shall file with this court no later than June 20, 2011 notice of its  
11 decision regarding petitioner's application for naturalization on remand.

12 DATED this 25<sup>th</sup> day of April, 2011.

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16 Frederick J. Martone  
17 United States District Judge  
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