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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Haroon Rashid Farooqi; Asyah Farooqi,)

No. CV 12-01993-PHX-FJM

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Plaintiffs,)

ORDER

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vs.)

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Eric Himpton Holder, Jr., et al.,)

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Defendants.)

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The court has before it plaintiffs’ “Motion to Reconsider the Claim Relief Sought” (doc. 4), and defendants’ motion to dismiss (doc. 5). Plaintiffs did not respond to the motion to dismiss and the time for doing so has expired. Plaintiffs’ failure to respond may be deemed a consent to the granting of the motion and we may dispose of the motion summarily. LRCiv 7.2(i).

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Plaintiffs Haroon Farooqi and Asyah Farooqi were born in Afghanistan and have been lawful permanent residents of the United States since March 10, 2007, and November 29, 2005, respectively. Haroon Farooqi applied for naturalization on August 15, 2011, and Asyah Farooqi applied for naturalization on December 16, 2011. On September 19, 2012, plaintiffs filed this action to compel defendants to schedule naturalization interviews and to adjudicate their applications within 120 days of the interview.

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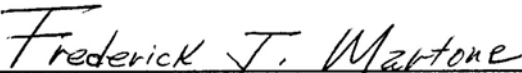
On November 8, 2012, plaintiffs filed a “Motion to Reconsider the Claim Relief

1 Sought,” in which plaintiffs acknowledge that interviews were held on October 31, 2012.
2 Therefore, to the extent the motion is construed as a request to compel an interview, the
3 motion is denied as moot (doc. 4).

4 An applicant for naturalization may apply to the District Court if there is a failure to
5 make a determination on a naturalization application “before the end of the 120-day period
6 after the date on which the examination is conducted.” 8 U.S.C. § 1447(b). Plaintiffs were
7 interviewed on October 31, 2012, therefore the 120-day period has not yet expired. There
8 has been no adverse decision on the naturalization applications and the government has not
9 exceeded the 120-day period to act. Accordingly, because this case is no longer ripe, the
10 motion to dismiss is granted (doc. 5).

11 **IT IS ORDERED DENYING** plaintiffs’ motion to reconsider (doc. 4). **IT IS**
12 **FURTHER ORDERED GRANTING** defendants’ motion to dismiss (doc. 5). The clerk
13 shall enter final judgment.

14 DATED this 7th day of January, 2013.

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17 Frederick J. Martone
18 United States District Judge
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