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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 12-1351 AG (JPRx)	Date	October 22, 2012
Title	JAE MOON CHUNG, et al. v. U.S. CITIZENSHIP AND IMMIGRATION SERVICES, et al.		

Present: The Honorable	ANDREW J. GUILFORD
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Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: [IN CHAMBERS] ORDER DISMISSING CASE FOR LACK OF SUBJECT MATTER JURISDICTION

On December 6, 2010, the United States Citizenship and Immigration Services (“USCIS”) denied Plaintiffs’ petition to remove conditions on their permanent resident statuses. (Complaint, Dkt. No. 1, at 16.) Plaintiffs filed a Complaint with this Court on August 21, 2012, alleging that Plaintiffs’ immigration petition was unlawfully denied by USCIS. On August 29, 2012, the Court ordered Plaintiffs to demonstrate why this Court would have jurisdiction over this case. (Order to Show Cause, Dkt. No. 5.) To support jurisdiction, Plaintiffs argue, among other things, that Plaintiffs were unable to seek redress as they were not yet subject to removal proceedings. (*Id.* at 2.) But removal proceedings have since been initiated. (Defendant’s Brief in Response to Order to Show Cause at 8.)

Because the removal proceedings pending in the Immigration Court, and the associated appeal process, will provide appropriate review of USCIS’s decision, Plaintiffs have failed to show cause why this Court has subject matter jurisdiction. Further, the Court finds that the deficiencies of the complaint could not be cured by amendment. Thus, this

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case is DISMISSED with prejudice for lack of subject matter jurisdiction.

Initials of Preparer _____ : _____
lmb _____