

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

| | | | |
|----------|--|------|------------------|
| Case No. | SACV 13-0088 AG (JPRx) | Date | January 28, 2013 |
| Title | THANH V. BUI v. ERIC H. HOLDER, et al. | | |

| | |
|---------------------------|--------------------|
| Present: The Honorable | ANDREW J. GUILFORD |
|---------------------------|--------------------|

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE REGARDING JURISDICTION

Plaintiff Thanh V. Bui (“Plaintiff”) filed a complaint with this Court asking the Court to review Plaintiff’s naturalization application. Plaintiff claims this Court has jurisdiction to do so under 8 U.S.C. § 1447, which provides:

If there is a *failure* to make a determination [of a naturalization application] under section 1446 of this title before the end of the 120-day period after the date on which the examination is conducted under such section, the applicant may apply to the United States district court for the district in which the applicant resides for a hearing on the matter.

8 U.S.C. § 1447 (emphasis added).

In this case, it appears that United States Citizenship and Immigration Services *has* made a determination by denying Plaintiff’s application. (*See* Compl., Dkt. No. 1, at 6 (alleging that Plaintiff received a letter stating he was ineligible for naturalization due to his absence from the United States for more than six months).) It also appears that Plaintiff has failed to sue the proper parties. Under 8 C.F.R. § 336.9, a naturalization applicant

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

| | | | |
|----------|--|------|------------------|
| Case No. | SACV 13-0088 AG (JPRx) | Date | January 28, 2013 |
| Title | THANH V. BUI v. ERIC H. HOLDER, et al. | | |

must bring the petition for review against USCIS, which is not named as a defendant in this case.

Accordingly, the Court orders Plaintiff to show cause in writing within 14 days of the date of this Order why this Court has jurisdiction over this case. Defendants may submit a response in the same time period.

Initials of Preparer _____ : _____
lmb _____