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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

HARINDER TOOR & KAMALJOT GILL,  
Petitioners,  
v.  
HILLARY RODHAM CLINTON,  
Secretary of State, et al.  
Respondents.

1:09-CV-F-279-OWW-GSA

ORDER GRANTING RESPONDENTS'  
MOTION TO DISMISS, DENYING  
PETITIONERS' MOTION FOR  
TEMPORARY RESTRAINING  
ORDER/PRELIMINARY INJUNCTION  
AND DIRECTING CLERK TO ENTER  
JUDGMENT AND CLOSE CASE.

Petitioners' challenge to the U.S. Embassy's decision to return Petitioner Gill's case to the Department of State's National Visa Center for review is DISMISSED WITHOUT LEAVE TO AMEND. (Doc. 25, filed June 4, 2009.) 22 C.F.R. 41.82(e), the controlling statute, does not mandate that the visa petition remain at the local embassy during the reconsideration process, nor does it forbid the local consular official to consult with the Department of State.

In light of this dismissal, Petitioners' motion for a temporary restraining order and preliminary injunction is also DENIED. Petitioners have neither a probability of success nor a fair chance of success on their claim.

1           The Clerk of Court is directed to enter Judgment in favor of  
2 Respondents and against Petitioners and to close the case.

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5 IT IS SO ORDERED.

6 Dated: September 8, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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