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9 **IN THE UNITED STATES DISTRICT COURT FOR THE**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 JATINDER SINGH,) No. CV F 09-1979 LJO GSA
12 Plaintiff,)
13 v.) STIPULATION TO TRANSFER VENUE
14 Janet Napolitano, Secretary of Homeland) OF ACTION TO NORTHERN DISTRICT
15 Security, et al.) OF CALIFORNIA AND ORDER
16 Defendants.) [28 U.S.C. § 1406(a)]
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16 This is an action in which plaintiff seeks mandamus relief to remedy an alleged delay in
17 the adjudication of his application to adjust status to that of lawful permanent resident by United
18 States Citizenship and Immigration Services. Plaintiff is a resident of Newark, California.

19 Newark, California is located in Alameda County, in the Northern District of California.
20 28 U.S.C. § 84(a). Accordingly, venue for this action is proper in the Northern District, but not
21 in this District.

22 The parties to this action, by and through their attorneys, hereby stipulate and request of
23 the Court that this action should be transferred to the Northern District of California pursuant to
24 28 U.S.C. § 1406(a). Section 1406(a) provides:

25 The district court of a district in which is filed a case laying in venue in the wrong
26 division or district shall dismiss, or if it be in the interest of justice, transfer such
27 case to any district or division in which it could have been brought.

28 Because venue is proper only in the Northern District, the parties believe that the interests of
justice require that this action be transferred to the United States District Court for the Northern

1 District of California.

2 In addition, the time for a response to the complaint has not yet run, and in view of the
3 uncertainty as to when this action will be docketed and assigned to a judge in the Northern
4 District of California, the parties further stipulate and request of the Court that the time for the
5 Defendants to answer, move, plead or otherwise respond to the Complaint should be extended to
6 40 days after the date the action is docketed and assigned to a judge in the Northern District of
7 California.

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10 Respectfully submitted,

11 Dated: December 8, 2009

12 BENJAMIN B. WAGNER
United States Attorney

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14 By: /s/ Audrey B. Hemesath
15 AUDREY B. HEMESATH
16 Assistant U.S. Attorney
Attorneys for Defendants

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18 /s/ James M. Makasian
19 Attorney for Plaintiff

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ORDER

The foregoing stipulation is approved and this action is hereby transferred to the United States District Court for the Northern District of California, the judicial district in which this case should have been brought. The time for Defendants to answer, move, plead or otherwise respond to the Plaintiff's Complaint shall be extended to 40 days after the action is docketed, and a judge assigned, in the Northern District of California.

IT IS SO ORDERED.

Dated: December 14, 2009

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE