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

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12 JAGTAR JANDU, ) No. CV F 10-cv-1909 OWW GSA  
13 Plaintiff, ) STIPULATION AND ORDER RE:  
14 v. ) REMAND FOR AGENCY  
Janet Napolitano, Secretary of Homeland ) ADJUDICATION PURSUANT TO 8  
Security, et al. ) U.S.C. § 1447(b)  
Defendants. )

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16 This is an immigration case in which plaintiff has filed to challenge U.S. Citizenship and  
17 Immigration Services' (CIS) failure to timely adjudicate his naturalization application and to seek  
18 de novo review of this application. As of the time of this filing, the agency is prepared to  
19 adjudicate the application. Because of the jurisdictional posture of the case, the agency cannot  
20 complete that process until the case is remanded with instructions to CIS. 8 U.S.C. § 1447(b).  
21 Accordingly, the parties jointly agree that the case should be remanded with instructions to  
22 complete adjudication of the case within 30 days from the date of the order of remand.

23 In the event CIS fails to timely complete this adjudication, the parties agree that jurisdiction  
24 will revert to this Court, and a scheduling conference will take place as soon as possible. In the  
25 event the adjudication results in a denial of the application for naturalization, plaintiff may file an  
26 administrative N-336 appeal within 30 days of the denial. USCIS will adjudicate the appeal  
27 within 90 days of receipt of the N-336 appeal. If the result is still a denial of the naturalization  
28 application, the parties agree that jurisdiction will revert to this Court, and a scheduling  
conference will take place as soon as possible to allow for the amendment of pleadings pursuant  
to 8 U.S.C. § 1421(c).

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3 Dated: February 7, 2011

Respectfully Submitted,

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6 BENJAMIN B. WAGNER  
United States Attorney

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8 By: /s/Audrey Hemesath  
Audrey B. Hemesath  
Assistant U.S. Attorney  
Attorneys for the Respondents

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10 By: /s/ James Makasian  
James Makasian  
Attorney for the Petitioner

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14 ORDER

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16 Pursuant to this Joint Stipulation and for the reasons stated therein, IT IS HEREBY  
17 ORDERED that the case be remanded to Citizenship and Immigration Services to complete  
18 adjudication on the application for naturalization within 30 days from the date of this Order.

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20 IT IS SO ORDERED.

21 Dated: February 8, 2011

22 /s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE