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

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

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

In the event CIS fails to timely complete this adjudication, the parties agree that jurisdiction will revert to this Court, and a scheduling conference will take place as soon as possible. In the event the adjudication results in a denial of the application for naturalization, plaintiff may file an administrative N-336 appeal within 30 days of the denial. USCIS will adjudicate the appeal within 90 days of receipt of the N-336 appeal. If the result is still a denial of the naturalization 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,

4 BENJAMIN B. WAGNER
United States Attorney

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

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

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14 ORDER

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

22 Dated: February 8, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE