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

PING HONG,

Plaintiff,

v.

MICHAEL CHERTOFF, et al.,

Defendants.

No. 2:08-cv-00036-MCE-DAD

**STIPULATION RE:
REMAND AND RESPONDENTS'
ANSWER AND
ORDER**

This is an immigration case in which plaintiff has filed to challenge U.S. Citizenship and Immigration Services' (CIS) failure to timely adjudicate her naturalization application and to seek de novo review of this application. The delay in the agency adjudication of the application was in the Federal Bureau of Investigations' (FBI) processing of the background name check. As of the time of this filing, the name check is now complete, and 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 60 days from the date of the order of remand.

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1 In the event CIS fails to timely complete this adjudication, the parties agree that jurisdiction
2 will revert to this Court, and a scheduling conference will take place as soon as possible.
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5 Dated: February 4, 2008

Respectfully Submitted,

6 MCGREGOR W. SCOTT
7 United States Attorney

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

12 By: /s/ James B. Macy
13 James B. Macy
14 Attorney for the Petitioner
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16 ORDER

17 Pursuant to this Joint Stipulation and for the reasons stated therein, IT IS HEREBY
18 ORDERED that the case be remanded to Citizenship and Immigration Services to complete
19 adjudication on the application for naturalization within 60 days from the date of this Order.

20 IT IS SO ORDERED.
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22 Dated: February 5, 2008

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25 MORRISON C. ENGLAND, JR.
26 UNITED STATES DISTRICT JUDGE
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