

1 Robert B. Jobe (Cal. State Bar #133089)
2 LAW OFFICE OF ROBERT B. JOBE
3 Anna L. Benvenue (Cal. State Bar #261436)
4 Director, Appellate Writing Group
5 550 Kearny Street, Ste. 200
6 San Francisco, CA 94108
7 Tel (415) 494-8597
8 Fax: (415) 967-7055
9 Email: federal@jobelaw.com

10 Attorneys for Plaintiff.

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION

14 AUDREY CASILLAS

15 FARHAD MASOUDI

16 Plaintiffs,

17 vs.

18 MONICA E. TORO, ET. AL.

19 Defendants

No. 2:11-cv-01914-DB

JOINT STIPULATION AND ORDER TO
HOLD CASE IN ABEYANCE

20 This is an immigration case in which Plaintiffs originally filed a mandamus action in
21 2011 to compel the Defendants to adjudicate the second Form I-130 Ms. Casillas filed on behalf
22 of her husband, Mr. Masoudi in 2009. ECF No. 1. Thereafter Defendants denied Ms. Casillas'
23 second Form I-130, and in June 2015 Plaintiffs filed an amended complaint challenging the

24 Joint Stipulation to Set Disposition Motions Deadlines
25 Case No.: 2:11-cv-01914-DB

1 denial. ECF No. 32. In July 2015, Defendants filed an answer. ECF No. 35. On July 31, 2015,
2 Defendants filed a copy of the certified administrative record with the Court and the parties were
3 planning to propose a dispositive motions schedule. ECF No. 36. Instead, on August 31, 2015,
4 the parties stipulated to hold this case in abeyance based on a possible alternate form of relief
5 which would have rendered this lawsuit moot. ECF No. 37. On September 23, 2015, this Court
6 signed the order holding this case in abeyance. ECF No. 38. Thereafter that possible avenue of
7 relief was denied, and the parties requested that the Court set deadlines for the filing of
8 dispositive motions on February 23, 2017. On April 4, 2017, the Court set deadlines for the
9 parties to file dispositive motions. ECF No. 44.
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12 On April 11, 2017, the United States Citizenship and Immigration Service (“USCIS”)
13 conducted an examination of Plaintiffs at the San Francisco Field Office regarding the third
14 Form I-130, Alien Relative Petition that Ms. Masoudi filed on behalf of her husband in 2016.
15 The parties anticipate that the USCIS will render a decision on that petition within six to eight
16 weeks. If the USCIS approves Ms. Masoudi’s third petition, this complaint will be rendered
17 moot and Plaintiffs will file a voluntary dismissal.
18

19 As such, the parties believe that considerable judicial resources can be saved by agreeing
20 to hold the proceedings in abeyance while the USCIS considers Plaintiff Casillas’ petition. The
21 parties agree to notify the Court within ten days of a decision. As such, good cause exists for the
22 Court to hold this case in abeyance pending the resolution of Ms. Casillas’ Form I-130 petition.
23
24

25 Dated: April 18, 2017

Respectfully submitted,

26
27 /s/ Robert B. Jobe
28 ROBERT B. JOBE
29 The Law Office of Robert B. Jobe
30 ANNA BENVENUE
31 Director, Appellate Writing Group
32 550 Kearny Street, Suite 200

/s/ Craig Kuhn
CRAIG KUHN
Trial Attorney, District Court Section
Office of Immigration Litigation
U.S. Department of Justice – Civil Division
P.O. Box 868 – Ben Franklin Station

1 San Francisco, California 94108
2 Tel: (415) 956-5513
3 Email: federal@jobelaw.com

Washington D.C. 20044
Tel: (206) 616-3540
Email: Craig.Kuhn@usdoj.gov

4 Attorneys for Petitioner

Attorney for Defendants

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6 **ORDER**

7 Pursuant to the parties' stipulation, (ECF No. 43), IT IS HEREBY ORDERED that:

- 8 1. This case is held in abeyance pending the USCIS's resolution of Plaintiff Casillas'
9 Form I-130 petition;
10
11 2. The parties shall notify the Court within ten days of a decision; and
12
13 3. The Clerk of the Court shall administratively close this case.

14 DATED: April 18, 2017

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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