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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID MUGOMOKE,

Plaintiff,

v.

MARK HAZUDA, et al.,

Defendants.

No. 13-cv-00984-KJM-KJN

ORDER

In this immigration case seeking declaratory and injunctive relief, plaintiff's and defendants' competing motions for summary judgment are currently pending before the court. (Pl.'s Mot. Summ. J., ECF 14; Defs.' Cross-Mot. Summ. J., ECF 15). After considering the parties' respective positions, the court requires further briefing on whether it has subject matter jurisdiction. *See Gonzalez v. Thaler*, ___ U.S. ___, 132 S. Ct. 641, 648 (2012) ("When a requirement goes to subject-matter jurisdiction, courts are obligated to consider *sua sponte* issues that the parties have disclaimed or have not presented."). Accordingly, the court orders the parties to provide simultaneous briefs on the following question:

Does this court have jurisdiction to review the denial of plaintiff's application for adjustment of status filed under 8 U.S.C. § 1159 in light of 8 U.S.C. § 1252(a)(2)(B)(ii)'s language purportedly eliminating judicial review?

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Simultaneous supplemental briefs should be filed within 7 days from the date of this order and they should address the jurisdiction question only. The parties may file any responses to the other's brief within 14 days from the date of this order. The briefs should be limited to 10 pages each.

The hearing scheduled in this matter on May 9, 2014, is continued to May 29, 2014, at 2:00 p.m.

IT IS SO ORDERED.

DATED: May 6, 2014.


UNITED STATES DISTRICT JUDGE