

1 JEFFERSON B. SESSIONS III
 United States Attorney General

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3 CHAD A. READLER
 Principal Deputy Assistant Attorney General,
 U.S. Department of Justice, Civil Division

4

5 KATHARINE E. CLARK
 Senior Litigation Counsel
 U.S. Department of Justice, Civil Division
 Office of Immigration Litigation
 Pennsylvania Bar No. PA203052

6

7 LANCE L. JOLLEY
 Trial Attorney
 Arizona Bar No. 025033

8

9 YEDIDYA COHEN
 Trial Attorney
 California Bar No. 259115
 P.O. Box 878
 Ben Franklin Station
 Washington, DC 20044
 Telephone: (202) 532-4480
 Email: yedidya.cohen@usdoj.gov

14 Attorneys for Respondent

15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA

17 ESTEBAN HERNANDEZ,)
 18) Case No.: 2:16-CV-01192-TLN-EFB
 19 Petitioner,)
 20 v.) **Stipulation And Order of Dismissal**
 21 JEFFERSON B. SESSIONS III,)
 22 Respondent.)
 23)
 24)

25 **[Proposed] STIPULATION AND ORDER OF DISMISSAL**

26 IT IS HEREBY STIPULATED AND AGREED between the parties that the above
 27 entitled case be dismissed as Petitioner acknowledges that he will be unable to prove that his
 28

1 mother had been physically present in the United States or one of its outlying possessions for a
2 continuous period of one year, prior to Petitioner's birth, such that Petitioner would have derived
3 citizenship from his mother pursuant to 8 U.S.C. § 1409(c) (as in effect in 1975 at the time of
4 Plaintiff's birth), assuming *arguendo* that Petitioner's mother was a United States citizen at the
5 time of his birth. This stipulation, that Petitioner will be unable to prove that he is a United
6 States citizen, constitutes a final decision on Petitioner's citizenship claim. The parties shall
7 notify the United States Court of Appeals for the Ninth Circuit within 10 days of entry of this
8 order, so that the petitions for review pending in that Court can proceed.
9

10 Executed this 17th day of November, 2017.

11
12 /s/ Carter C. White
13 Carter C. White, CSB # 164149
14 King Hall Civil Rights Clinic
15 U.C. Davis School of Law
16 *Attorney for Petitioner*

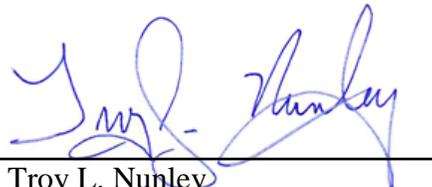
17 Executed this 17th day of November, 2017.

18 /s/ Yedidya Cohen
19 YEDIDYA COHEN
20 LANCE L. JOLLEY
21 KATHARINE E. CLARK
22 *Attorneys for Respondent*

23 ORDER

24 It is hereby ordered that this case be returned to the United States Court of Appeals for
25 the Ninth Circuit.

26 Dated: November 20, 2017

27 
28 Troy L. Nunley
United States District Judge