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Attorneys for Defendants

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 MARYAM MOHSENZADEH,)	No. C 07-5638 EDL
)	
12 Plaintiff,)	
)	
13 v.)	
)	
14 MICHAEL CHERTOFF, Secretary,)	JOINT CASE MANAGEMENT
15 Department of Homeland Security; et al.,)	STATEMENT; PROPOSED ORDER
)	
16 Defendants.)	
_____)	

17
 18 The parties hereby submit their joint case management statement, and respectfully request
 19 the Court to adopt the statement without need for a case management conference. Alternatively,
 20 Plaintiff will be re-interviewed on her application on February 19, 2008. The parties respectfully
 21 request the Court to continue the Case Management Conference to February 26, 2008, so that the
 22 parties may provide the Court with the most recent information.

23 1. Jurisdiction and Service: There are no issues concerning personal jurisdiction or venue.
 24 Plaintiff brought this Complaint under 28 U.S.C. §§ 1331 and 1361, the Administrative Procedure
 25 Act, and 8 U.S.C. § 1447(b). All parties have been served.

26 2. Facts: On January 22, 2001, Plaintiff applied for naturalization for the first time. On
 27 November 18, 2002, Plaintiff was interviewed by the U.S. Citizenship and Immigration Services
 28 (“USCIS”). On or about September 7, 2004, Plaintiff filed a second application for naturalization.

JOINT CASE MANAGEMENT STATEMENT
 C 07-5638 EDL

1 USCIS interviewed Plaintiff on February 9, 2005 Plaintiff's name check is still pending with the
2 Federal Bureau of Investigation ("FBI"). On November 6, 2007, Plaintiff filed the instant
3 Complaint. Defendants were properly served on or about November 7, 2007.

4 3. Legal Issues: The principal legal issue the parties dispute is whether the Court should
5 render a decision on his naturalization application in the absence of a completed name check.

6 4. Motions: None.

7 5. Amendment of Pleadings: None.

8 6. Evidence Preservation: None.

9 7. Disclosures: The parties agree that this Court's review will be confined to the
10 administrative record and therefore this proceeding is exempt from the initial disclosure
11 requirements under Fed. R. Civ. P. 26.

12 8. Discovery: There has been no discovery to date and the parties believe this matter can be
13 resolved without discovery. No experts will be designated.

14 9. Class Actions: Not applicable.

15 10. Related Cases: None.

16 11. Relief: Plaintiff asks that the Court hear her case and render a declaratory judgment that
17 she is entitled to be naturalized and ask for an award of attorneys' fees. This case does not involve
18 damages.

19 12. Settlement and ADR: The parties filed a Joint Request to Be Exempt From Formal ADR
20 on January 22, 2008.

21 13. Consent to Magistrate Judge for All Purposes: The parties have consented to assignment
22 of this case to a United States Magistrate Judge.

23 14. Other References: None.

24 15. Narrowing of Issues: None.

25 16. Expedited Schedule: The parties believe this matter can be solved through motions.

26 17. Scheduling: The parties suggest the following dates:

27 Last day for Defendants to file Motion to Remand: March 18, 2008

28 Last day for Plaintiff to file Opposition: April 1, 2008

1 Last day for Defendants to Reply: April 8, 2008
2 The parties request the Court to take the matter under submission without oral argument.

3 18. Trial: Should the Court deny the motion to remand, the parties request the court to
4 schedule a further case management conference to schedule a hearing date on Plaintiff's application
5 for naturalization.

6 19. Disclosure of Non-party Interested Entities or Persons: None.

7 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
8 matter: None.

9 Dated: February 5, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

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13 /s/
MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Defendants

14
15 Dated: February 5, 2008

16 /s/
NADIA FARAH
Attorney for Plaintiff

17
18 **PROPOSED CASE MANAGEMENT ORDER**

19 The Case Management Conference scheduled for February 12, 2008, is hereby VACATED.
20 The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as the
21 Case Management Order for the case, and the parties are ordered to comply with this Order.

22 Dated: February 6, 2008



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28 ¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

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ALTERNATIVE PROPOSED CASE MANAGEMENT ORDER

The Case Management Conference scheduled for February 12, 2008, is hereby CONTINUED to February 26, 2008. The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case, and the parties are ordered to comply with this Order.

Dated:

ELIZABETH LAPORTE
United States Magistrate Judge