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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAEED AHMED,

No. C 08-1680 MHP

Plaintiff,

MEMORANDUM & ORDER

v.

Re: Motion to DismissMICHAEL AYLES, Acting Deputy Director,
United States Citizenship and Immigration
Services,Defendant.

Plaintiff Saheed Ahmed brought this action seeking to compel, pursuant to the Administrative Procedures Act, 5 U.S.C. § 704, the director of the United States Citizenship and Immigration Services (USCIS) to adjudicate plaintiff's adjustment of status application. The action's detailed factual background has been set forth in an earlier memorandum and order. See Docket No. 33 (Order of Jan. 7, 2009).

On March 11, 2009, the USCIS adjudicated the application, denying plaintiff adjustment of status. Defendant now moves to dismiss this action as moot.

Plaintiff does not dispute that the relief sought in the operative first amended complaint has been given and that the action has thereby been rendered moot. Plaintiff instead requests leave to file a second amended complaint alleging certain procedural violations in the course of the USCIS's decision-making process.

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Defendant Aytes does not oppose plaintiff Ahmed's request for leave to amend. Accordingly, good cause appearing therefor, defendant's motion to dismiss the first amended complaint is GRANTED WITH LEAVE TO AMEND. Plaintiff must file any amended complaint within thirty (30) days of entry of this order.

IT IS SO ORDERED.

Dated: May 4, 2009



MARILYN HALL PATEL
United States District Court Judge
Northern District of California