

1 TONY WEST
Assistant Attorney General
2 DAVID J. KLINE
Director, District Court Section
3 Office of Immigration Litigation
VICTOR M. LAWRENCE
4 Principal Assistant Director
NICOLE R. PRAIRIE, DCBN 982601
5 Trial Attorney

6 P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
7 Telephone: (202) 532-4074; FAX: (202) 305-7000

8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 SAEED AHMED,)
12 Plaintiff,)
13 v.)
14 ALEJANDRO MAYORKAS,)
15 Director, United States Citizenship)
and Immigration Services,)
16 Defendant.¹)
17

No. 08-cv-1680 (MHP)

**STIPULATION TO HOLD
MATTERS IN ABEYANCE**

18 Defendant Alejandro Mayorkas and Plaintiff Saeed Ahmed hereby stipulate to hold
19 matters in abeyance in the above-referenced case for a period of thirty (30) days from the date of
20 issuance of an order granting the stipulated abeyance. In further support thereof, the parties say
21 as follows:

22 1. On January 14, 2000, Plaintiff was granted asylum. On February 20, 2008, he was
23 denied adjustment of status based on inadmissibility for providing material support to a terrorist
24 organization under INA § 212(a)(3)(B)(i)(I), 8 U.S.C. § 1182(a)(3)(B)(i)(I).

25
26
27 ¹ Pursuant to Fed. R. Civ. P. 25(d), Alejandro Mayorkas, Director of United States
28 Citizenship and Immigration Services, is automatically substituted for his predecessor, Jonathan
Sharfen.

1 2. On April 23, 2008, U.S. Citizenship and Immigration Services (“USCIS”) reopened
2 the matter of Plaintiff’s adjustment of status.

3 3. On July 15, 2008, Plaintiff filed his First Amended Complaint for Declaratory
4 Judgment and Injunction, which alleges that the delay in adjudication his adjustment of status
5 application violates 5 U.S.C. § 555(b), 8 U.S.C. § 1159(b), and 8 C.F.R. § 209.2.

6 4. On November 12, 2008, Defendant filed a Motion to Dismiss, or in the Alternative,
7 Cross-Motion for Summary Judgment, which this Court denied on January 7, 2009.

8 5. On March 26, 2009, Plaintiff submitted the Notice of Decision on Application for
9 Adjustment of Status regarding USCIS’s denial of Plaintiff’s adjustment of status application.

10 7. On May 5, 2009, Plaintiff filed his Second Amended Complaint concerning the denial
11 of his adjustment of status application.

12 8. Defendant filed a Motion to Dismiss on June 23, 2009, which this Court denied on
13 December 22, 2009.

14 9. Recently, USCIS agreed to interview Plaintiff regarding his adjustment of status
15 application, which both parties agree will be beneficial to the litigation.

16 10. Because the outcome of the interview could have a significant impact on the
17 direction of the litigation, in the interest of judicial economy, the parties respectfully request a
18 thirty (30) day abeyance.

19 11. The parties will issue a joint status report at the conclusion of the abeyance period to
20 update the Court as to developments that occurred during the thirty (30) day abeyance.

21 //

23 //

25 //

1 WHEREFORE, with good cause having been shown, the parties hereby request that this
2 Court issue an order granting an abeyance of matters in this case for a period of thirty (30) days
3 from the date of issuance of the abeyance order.
4

5 Dated: January 14, 2010

Respectfully submitted,

6
7 TONY WEST
8 Assistant Attorney General
9 DAVID J. KLINE
10 Director, District Court Section
11 VICTOR M. LAWRENCE
12 Principal Assistant Director

13 By: 

14 NICOLE R. PRAIRIE
15 Trial Attorney
16 Office of Immigration Litigation
17 U.S. Department of Justice
18 P.O. Box 868, Ben Franklin Station
19 Washington, D.C. 20044
20 (202) 532-4074; 305-7000 (FAX)
21 Nicole.Prairie@usdoj.gov

Attorneys for Defendant

16
17
18 Dated: January 14, 2010




JONATHAN M. KAUFMAN

Attorney for Plaintiff

21 **ORDER**

22 Pursuant to stipulation, IT IS SO ORDERED.

23
24 Dated this 15th day of Jan, 2010


25 MARILYN H. PATEL
26 United States District Judge