Ndom v. Muller et al Doc. 27

Case 3:08-cv-03551-JCS Document 26 Filed 02/12/2009 Page 1 of 2 JOSEPH P. RUSSONIELLO, CSBN 44332 United States Attorney JOANN M. SWANSON, CSBN 88143 Assistant United States Attorney Chief, Civil Division MELANIE L. PROCTOR, CSBN 228971 **Assistant United States Attorney** 4 5 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-6730 6 FAX: (415) 436-7169 7 Attorneys for Respondents 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN FRANCISCO DIVISION 11 MAMADOU NDOM, 12 No. C 08-3551 JCS Petitioner, 13 v. 14 STIPULATION TO DISMISS WITHOUT ROBERT S. MUELLER, III, Department of PREJUDICE; PROPOSED ORDER Justice, in his Official Capacity as Director of FBI; MICHAEL A. CANNON, Department 16 of Justice, in his Official Capacity as Director of NNCP; JONATHAN SCHARFEN, in his Official Capacity as Acting Director of USCIS; EVELYN UPCHURCH, in her Official Capacity as Director of USCIS/Texas Service Center; 18 MICHAEL CHERTOFF, in his Official Capacity as Secretary of Department of Homeland 19 Security; MICHAEL B. MUKASEY, in his 20 Official Capacity as United States Attorney General. 21 Respondents. 22 23 /// 24 /// 25 | /// 26 /// 27 /// 28 /// STIPULATION TO STAY C 08-3551 JCS

In light of the fact that at this time, a Court order to adjudicate Plaintiff's adjustment of status 1 application would result in a denial, the parties hereby stipulate to dismissal of this action, without 3 prejudice. The parties shall bear their own costs and fees. 4 Dated: February 12, 2009 Respectfully submitted, 5 JOSEPH P. RUSSONIELLO United States Attorney 6 MELANIE L. PROCTOR¹ 7 Assistant United States Attorney 8 Attorneys for Defendants Dated: February 12, 2009 10 MAMADOU NDOM Pro Se 11 12 PROPOSED ORDER 13 14

Pursuant to stipulation, IT IS SO ORDERED. All pending motions are hereby terminated. The Complaint is DISMISSED without prejudice. The Clerk shall close the file.

15

16

Dated: February 12, 2009

18

17

19

20

21 22

23

24

25

26 27

28

STIPULATION TO STAY C 08-3551 JCS

Judge Joseph C. Spero