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7 Attorneys for Defendants

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

11 JAMAL MOAMAR,

12 Plaintiff,

13 v.

14 MICHAEL MUKASEY, in his official capacity )  
 as Attorney General of the United States; )  
 15 MICHAEL CHERTOFF, in his official capacity )  
 as Secretary of the Department of Homeland )  
 16 Security; ROSEMARY MELVILLE, in her )  
 17 official capacity as District Director of U.S. )  
 Citizenship and Immigration Services; EMILIA )  
 18 BARDINI, in her official capacity as Director )  
 of the San Francisco Asylum Office, )

19 Defendants. )  
20 )

No. C 08-4846 CRB

**STIPULATION TO EXTEND BRIEFING SCHEDULE; AND ~~PROPOSED~~ ORDER**

21 The plaintiff, by and through his attorney of record, and defendants, by and through their  
 22 attorneys of record, hereby stipulate, subject to approval of the Court, to extend the briefing  
 23 schedule in General Order No. 61 by sixty days in light of the reasonable likelihood that the  
 24 United States Citizenship and Immigration Services (USCIS) will issue a final decision on the  
 25 plaintiff's asylum application in the next sixty days.

26 1. The plaintiff filed his action on October 22, 2008, seeking an order directing USCIS to  
 27 adjudicate his application for asylum.  
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1 2. The plaintiff completed service on the defendants on October 27, 2008.

2 3. Pursuant to Gen. Ord. 61, the defendants were required to file a motion for summary  
3 judgment on February 24, 2009.

4 4. In light of the fact that the parties reasonably believed that USCIS would adjudicate the  
5 plaintiff's asylum application within thirty days, the parties filed a stipulation on February 24,  
6 2009, to extend the due date for the defendants' motion for summary judgment to March 20, 2009.

7 5. This Court signed the parties' stipulation on February 26, 2009.

8 6. On March 18, 2009, USCIS informed the plaintiff of the need to appear for an additional  
9 interview.

10 7. In light of the reasonable probability that, after the interview, USCIS would adjudicate the  
11 plaintiff's asylum application within thirty days, the parties requested a thirty day extension of the  
12 due date for defendants' motion for summary judgment.

13 8. This Court signed the parties' stipulation on March 24, 2009.

14 9. Since the filing of the parties' stipulation, USCIS has conducted the additional interview  
15 and has issued a Recommended Approval of the plaintiff's asylum application.

16 10. USCIS intends to issue a Final Approval if the results of the pending name check by the  
17 FBI are negative.

18 11. USCIS expects to receive the results of the pending name check within the next 60 days.

19 12. In light of the reasonable probability that USCIS will be able to finally adjudicate the  
20 plaintiff's asylum application within the next 60 days, the parties respectfully request an additional  
21 sixty day extension of the due date for defendants' motion for summary judgment.

22 13. The defendants will file their motion for summary judgment, if necessary, on June 19,  
23 2009.

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Dated: April 17, 2009

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney  
Attorneys for Defendants

Dated: April 17, 2009

/s/  
THIPPHAVONE P. ARK  
The Law Office of Thippavone P. Ark  
Attorney for Plaintiff

~~PROPOSED~~ ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: \_\_\_\_\_ April 20, 2009

