

1 JOSEPH P. RUSSONIELLO, CSBN 44332  
 United States Attorney  
 2 JOANN M. SWANSON, CSBN 88143  
 Chief, Civil Division  
 3 EDWARD A. OLSEN, CSBN 214150  
 Assistant United States Attorney

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4 1301 Clay Street, Suite 340S  
 5 Oakland, California 94612  
 Telephone: (510) 637-3697  
 6 FAX: (510) 637-3724

7 Attorneys for Respondents

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

12 ARACELY DE JESUS FAJARDO )  
 GARCIA, )  
 13 )  
 Petitioner, )  
 14 )  
 v. )  
 15 )  
 MICHAEL CHERTOFF, Secretary, )  
 Department of Homeland Security; )  
 16 NANCY ALCANTAR, Field Office )  
 Director, Immigration and Customs )  
 17 Enforcement; and MICHAEL )  
 18 MUKASEY, Attorney General of the )  
 United States, )  
 19 )  
 Respondents. )  
 20

No. C 08-5729-JF

**JOINT STATUS REPORT AND  
 STIPULATION TO EXTEND HEARING  
 DATE; AND ~~PROPOSED~~ ORDER**

Hearing Date: March 12, 2010  
 Time: 9:00 a.m.

21 Petitioner, by and through her attorney of record, and Respondents, by and through their  
 22 attorneys of record, hereby stipulate, subject to approval of the Court, to extend the hearing date in  
 23 the above-entitled matter by six months, in light of the following:

24 (1) This Court has issued several orders approving the parties' stipulations to extend the date  
 25 of oral argument in the above-captioned case pending a decision by the Ninth Circuit in *Rajinder*  
 26 *Singh v. Napolitano*, Appeal No. 07-16988, a case that presents very similar factual and legal  
 27 issues.

28 (2) As the Court is aware, the Ninth Circuit issued the following order on August 11, 2009:

1 The case is remanded to the Board of Immigration Appeals for the limited purpose  
2 of ruling upon whether the Board had jurisdiction to hear Singh's ineffective  
3 assistance of counsel claims and what effect, if any, the Attorney General's recent  
4 opinion in *In re Compean*, 25 I & N Dec. 1, 3 (A.G. 2009), has on this case. The  
5 Board shall advise the court of any action or decision.

6 *Singh v. Napolitano*, 577 F.3d 988 (Order).

7 (3) The BIA since has asked the parties (the petitioner in the above-entitled action and the  
8 Department of Homeland Security) to file briefs on the questions that were remanded to the BIA  
9 from the Ninth Circuit, and the parties' simultaneous briefs to the BIA are due on January 27,  
10 2010.

11 (4) In light of the fact that the parties in the above-captioned matter do not anticipate receiving  
12 a decision from the BIA and then from the Ninth Circuit prior to the currently-scheduled hearing  
13 date of March 12, 2010, the parties respectfully ask this Court to extend the hearing date from  
14 March 12, 2010, to September 10, 2010, at 9:00 a.m. The respondents agree to stay the  
15 petitioner's removal until October 8, 2010.

16 Date: January 19, 2010

Respectfully submitted,

17 JOSEPH P. RUSSONIELLO  
18 United States Attorney

19 /s/  
20 EDWARD A. OLSEN  
21 Assistant United States Attorney  
22 Attorneys for Respondents

23 Date: January 19, 2009

24 /s/  
25 JAMES TODD BENNETT  
26 Attorney for Petitioner

1 **[PROPOSED] ORDER**

2 Pursuant to stipulation, IT IS SO ORDERED that the hearing date in the above-captioned  
3 matter is continued from March 12, 2010, to September 10, 2010, at 9:00 a.m.

4  
5 Date: 1/20/2010, 2010

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JEREMY FOGEL  
United States District Judge