

OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

## OFFICE OF THE GENERAL COUNSEL

November 15, 2010

**Via E-Filing**

Hon. Maria-Elena James  
United States District Court  
Northern District of California  
Courtroom B, 15<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Evelyn Francisco V. Oakland Unified School District  
Case No.: CV10-4992 MEJ



Dear Hon. Maria-Elena James:

Pursuant to your clerk, Gloria Acevedo's instructions to our office, we write this letter to address the case designation of this matter. I am the attorney for Respondent (and removing party), Oakland Unified School District ("OUSD").

On November 4, 2010, OUSD filed the standard Civil Cover Sheet, along with the Notice of Removal, etc., which identified the nature of this removed suit as "465 – Other Immigration Action."

This resulted in the Court issuing the Procedural Order for Immigration Mandamus Cases (docket document No. 2), which states that, "The above action seeks a writ of mandamus regarding immigration benefits filed pursuant to the mandamus statute, 28 U.S.C. § 1361, and/or the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*" However, such designation and process does not actually appear to apply to this matter.

After receipt of the Court's Procedural Order For Immigration Mandamus Cases, and after our office discussed the issue with your clerk, Respondent OUSD respectfully requests that the Court designate this matter as "790 – Other Labor Litigation" and remove it from the procedural process for immigration cases.

We greatly appreciate your assistance in this matter, and I apologize for any confusion or inconvenience.

Very truly yours,

/s

Michael L. Smith

cc: David Weintraub, Esq. (via e-filing & fax)