

1 TONY WEST  
 Assistant Attorney General, Civil Division  
 2 DAVID J. KLINE  
 Director  
 3 J. MAX WEINTRAUB (VA 36188)  
 Senior Litigation Counsel  
 4 LANA L. VAHAB (DC 976203)  
 Trial Attorney  
 5 United States Department of Justice  
 Civil Division  
 6 Office of Immigration Litigation  
 District Court Section  
 7 P.O. Box 868, Ben Franklin Station  
 Washington, D.C. 20044  
 8 Tel: (202) 532-4067  
 Fax: (202) 305-7000  
 9 Email: lana.vahab@usdoj.gov

10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION  
 14

15	AMNAR NAZIH HASHEM,	)	No. C 3:11-cv-2974
		)	
16	Plaintiff,	)	<b>JOINT STIPULATION DISMISSING</b>
		)	<b>THE ACTION WITHOUT PREJUDICE</b>
17	v.	)	
		)	
18	DAVID STILL,	)	
	District Director of the United States	)	
19	Citizenship and Immigration Services,	)	
	San Francisco District Office, <i>et al.</i> ,	)	
20		)	
	Defendants.	)	
21		)	

22

23 **JOINT STIPULATION DISMISSING THE ACTION WITHOUT PREJUDICE**

24 Through their respective counsel, the parties agree and stipulate as follows:

25 Defendant United States Citizenship and Immigration Services (“USCIS”) is ready to  
 26 adjudicate Plaintiff Amnar Nazih Hashem’s (“Plaintiff’s”) adjustment of status application (“I-  
 27 485”). To that end, USCIS mailed Plaintiff a Referral for FD 258 Fingerprints notice (“Notice”)  
 28 on October 19, 2011. The Notice asks Plaintiff to appear at the Santa Ana, California office of

JOINT STIPULATION DISMISSING THE ACTION WITHOUT PREJUDICE  
Case No. C 3:11-cv-2974

1 USCIS for fingerprinting between October 19, 2011, and November 21, 2011 (the “scheduled  
2 period”). Plaintiff agrees to appear for, and submit to, fingerprinting during this scheduled  
3 period and to cooperate with USCIS to facilitate a timely adjudication of his application. USCIS  
4 agrees to adjudicate Plaintiff’s I-485 within 60 days of Plaintiff’s submission of fingerprints.

5 Accordingly, the parties jointly stipulate under Federal Rule of Civil Procedure  
6 41(a)(1)(A)(ii) to dismissal of this action without prejudice. The parties agree that Plaintiff may  
7 reopen this action, upon filing notice thereof, in the event that USCIS has not adjudicated his I-  
8 485 within 60 days of his submitting to fingerprinting during the scheduled period. The parties  
9 further agree that if Plaintiff does not reopen this action within the period described above, the  
10 Court will dismiss the action with prejudice.

11 The parties agree that, in the event that Plaintiff reopens this action in accordance with  
12 this stipulated dismissal, Defendants shall respond to the Complaint within fifteen days of  
13 reopening.

14 The parties further agree to bear their own fees and costs related to this litigation.

15  
16 DATED: October 21, 2011

Respectfully submitted,

17 /s/Marc Alan Karlin (with consent)

/s/Lana Lunskeya Vahab

18 MARC ALAN KARLIN  
19 Karlin & Karlin  
20 3701 Wilshire Blvd.  
Suite 1035  
Los Angeles, CA 90010  
21 213-365-1555  
Fax: 213-383-1166  
[karlinlaw@msn.com](mailto:karlinlaw@msn.com)

22 **Counsel for Plaintiff**

LANA LUNSKAYA VAHAB  
Trial Attorney  
United States Department of Justice  
Civil Division  
Office of Immigration Litigation  
District Court Section  
P.O. Box 868, Ben Franklin Station  
Washington, D.C. 20044  
23 Tel: (202) 532-4067  
Fax: (202) 305-7000  
E-mail: [ana.vahab@usdoj.gov](mailto:ana.vahab@usdoj.gov)

24 **Counsel for Defendants**

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**[Proposed] ORDER**

PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.

Date: 10/26/11

\_\_\_\_\_  
THE HONORABLE JOSEPH C. SPERO  
United States Magistrate

