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

10 AVI AZOULAI	)	No.: C 3:13-cv-05493-VC
	)	
11 Plaintiffs,	)	
	)	
12 vs.	)	STIPULATION TO HOLD CASE IN
	)	ABEYANCE and [ <del>PROPOSED</del> ] ORDER
13 ERIK H. HOLDER, Jr., <i>et al.</i> ,	)	AS MODIFIED
	)	
14 Defendants.	)	
	)	
15	)	
16	)	

17 **STIPULATION TO HOLD CASE IN ABEYANCE**

18 IT IS HEREBY STIPULATED pursuant to L.R. Civ. 7-12, that the Court stay the  
 19 proceedings in this case for 90 days to allow USCIS to adjudicate Plaintiff's new naturalization  
 20 application. A decision on Plaintiff's new application is expected within 90 days or less. The  
 21 parties will notify the Court when Plaintiff has received the new decision. If the actions are  
 22 adverse to Plaintiff, the parties will jointly ask the Court to reopen the case and proceed with *de*  
 23 *novo* review of the agency's decision as provided under 8 U.S.C. § 1421(c). If the agency's  
 24 decision is favorable to Plaintiff, Plaintiff will file a voluntary dismissal with prejudice within  
 25 ten days of receiving the decision.

26 This stipulation is necessary to conserve the resources of the court and the parties. In  
 27 support thereof, the parties state as follows:  
 28

1           1. Plaintiff filed the instant action under 8 U.S.C. § 1421(c) on November 27, 2013, and  
2 effectuated service on March 12, 2014. (ECF No. 1.)

3           2. Plaintiff's action seeks review of the denial of his naturalization application, which the  
4 agency denied on the belief that Plaintiff had provided false testimony during the statutory good  
5 moral character period and that he therefore lacked the good moral character necessary to  
6 naturalize.

7           3. After a discussion, the parties agreed that given that Plaintiff did not provide false  
8 testimony (about his previous arrests) at his October 15, 2012 and February 13, 2013  
9 naturalization interviews, any false testimony that he may have provided at previous  
10 naturalization interviews would not necessarily be a statutory bar to his naturalization were he to  
11 reapply for naturalization now. This is so because the false testimony believed to have been  
12 provided by Plaintiff previously, at his January 8, 2009 and February 10, 2009 naturalization  
13 interviews, would fall outside the five-year statutory period during which Plaintiff is required to  
14 demonstrate good moral character under 8 U.S.C. § 1427.

15           4. In the interest of judicial economy, the parties have agreed that instead of litigating  
16 Plaintiff's entitlement to naturalization under his original naturalization applications, Plaintiff  
17 will file a new naturalization application, which USCIS will adjudicate. Plaintiff filed his new  
18 naturalization application on May 15, 2014, background checks revealed no new arrests and  
19 USCIS is prepared to adjudicate Plaintiff's application within 90 days of this stipulation.

20           5. The parties will notify the Court when Plaintiff has received the new decision.

21           6. If the agency's decision is favorable to Plaintiff, Plaintiff will file a voluntary dismissal  
22 with prejudice within ten days of receiving the decision.

23           7. If the decision is adverse to Plaintiff, the parties will jointly ask the Court to continue to  
24 stay the case in order to allow Plaintiff to exhaust his administrative remedies as required under 8  
25 U.S.C. § 1447(a). If the decision is still adverse after Plaintiff's administrative appeal, the  
26 parties will jointly ask the Court to reopen the case and proceed with *de novo* review of the  
27 agency's decision as provided under 8 U.S.C. § 1421(c).

1 8. The parties will file a status report with the court in 90 days, updating the Court as to the  
2 status of Plaintiff's naturalization application.

3  
4 Dated: June 25, 2014

Respectfully submitted,

5  
6 STUART F. DELERY  
7 Assistant Attorney General

8 WILLIAM M. SILVIS  
9 Acting Assistant Director

/s/ Lana L. VAHAB  
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10  
11  
12  
13 Dated: June 25, 2014

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*Attorney for Plaintiff*

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21 **[PROPOSED] ORDER AS MODIFIED**

22  
23 **A Case Management Conference is scheduled for September 30, 2014, at 10:00 a.m.**  
24 **A joint case management statement is due no later than September 23, 2014.**

25 Pursuant to Stipulation, IT IS SO ORDERED.

26  
27 DATE: June 27, 2014

  
\_\_\_\_\_  
Hon. Vince Chhabria  
United States District Judge