

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ODIYE, et al.,

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, DISTRICT
DIRECTOR,

Defendant.

Case No. 14-mc-80276-JST

**ORDER DIRECTING PETITIONER TO
SERVE PETITION TO CORRECT
CERTIFICATE OF NATURALIZATION**

Re: ECF No. 1

Petitioner Debbie Bevlyn Odiye has filed a petition to correct the date of birth on her certificate of naturalization from March 3, 1957 to March 3, 1953. ECF No. 1. The Court construes the petition as a petition for a writ of mandamus to correct her certificate of naturalization pursuant to 28 U.S.C. § 1361. The Court hereby identifies “United States Citizenship and Immigration Services, District Director” as the Respondent.

Petitioner is hereby ordered to serve a copy of the “Petition of Debbie Bevlyn Odiye to Correct her Certificate of Naturalization,” filed September 30, 2014, and this Order on the United States Citizenship and Immigration Services (“USCIS”) in compliance with Federal Rule of Civil Procedure 4(i)(1) and (2).

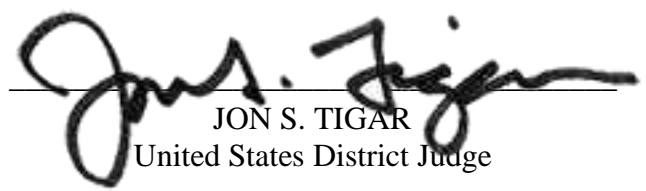
USCIS shall file a response to the petition to correct Petitioner’s certificate of naturalization within forty-five (45) days after service. In addition to any other issues USCIS may wish to raise in its response, USCIS shall address whether this Court has jurisdiction to entertain Petitioner’s request for relief. See McKenzie v. USCIS, 761 F.3d 1149 (10th Cir. 2014). If USCIS contends that this Court lacks jurisdiction over Petitioner’s petition, but Petitioner contends that this Court does have jurisdiction, Petitioner shall file a reply not more than fifteen (15) days after USCIS’s response is due. Unless the Court orders otherwise, upon the conclusion

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

of this briefing schedule, the matter will be deemed submitted for decision by the Court without a hearing.

IT IS SO ORDERED.

Dated: October 2, 2014



JON S. TIGAR
United States District Judge