

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WENMIN MA,  
Plaintiff,  
v.  
USCIS DIRECTOR,  
Defendant.

Case No. [15-cv-05672-MEJ](#)

**ORDER VACATING CMC  
CASE MANAGEMENT ORDER**

Pursuant to Federal Rule of Civil Procedure 16, the Court issues the following Case Management Order. Failure to comply with this Order is cause for sanctions under Rule 16(f). The March 10, 2016 Case Management Conference is VACATED. All questions should be directed to Rose Maher, Courtroom Deputy, at (415) 522-4708.

- A. ADR:** Given the nature of this case, there will be no ADR referral.
- B. Deadline to Seek Leave to Amend Pleadings:** April 4, 2016.
- C. Cross-Motions for Summary Judgment:** As the parties intend to file cross-motions for summary judgment, the Court sets the following schedule:

Defendant's filing of administrative record: May 9, 2016.

Plaintiff's motion for summary judgment (30 pages): July 8, 2016.

Defendant's opposition and cross-motion: (30 pages): August 5, 2016.

Plaintiff's opposition and reply (45 pages): August 26, 2016.

Defendant's reply (20 pages): September 9, 2016.

Hearing (if requested by either party in their motions and/or deemed necessary): September 22, 2016 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California.

**D. Statements of Facts:**

The parties shall meet and confer by June 24, 2016, to determine whether they can stipulate to a statement of facts, or whether it is necessary to file separate statements. All summary judgment motions shall comply with the following requirements for statements of facts:

(1) Separate Statement of Facts: Plaintiff shall file a statement, separate from the motion and memorandum of law, setting forth each material fact on which Plaintiff relies in support of the motion. Each material fact in the separate statement must be set forth in a separately numbered paragraph and must refer to a specific portion of the administrative record where the fact finds support. A failure to submit a separate statement of facts in this form may constitute grounds for denial of the motion.

(2) Controverting Statement of Facts: At the time the government files its opposition and cross-motion, it shall file a separate statement setting forth: (a) for each paragraph of Plaintiff's separate statement of facts, a correspondingly numbered paragraph indicating whether it disputes the statement of fact set forth in that paragraph and a reference to the specific portion of the record supporting the government's position if the fact is disputed; and (b) any additional facts from the record, set forth in a separately numbered paragraph with specific citations to the record where the fact finds support.

(3) Reply Statement of Facts: If the government sets forth additional facts, Plaintiff shall file a statement, separate from the opposition and reply brief, with correspondingly numbered paragraphs indicating whether Plaintiff admits or disputes the statement of fact set forth in that paragraph and, if disputed, a reference to the specific portion of the record supporting Plaintiff's position. Additional facts that are not already included in the motion and/or opposition are not permitted.

(4) Alternative Procedure: As an alternative to filing a statement of facts and controverting statement of facts, the parties may jointly file a stipulation setting forth a statement of the stipulated facts and the following statement: "The parties agree there is no genuine issue of any material fact."

**IT IS SO ORDERED.**

Dated: March 8, 2016

  
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MARIA-ELENA JAMES  
United States Magistrate Judge

