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8 Attorneys for Defendants

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 RAJPAL BANDARAPALLI,
13 Plaintiff,

C 17-00194 MEJ

14 v.

15 JEH JOHNSON, Department of Homeland
16 Security (DHS); LEON RODRIGUEZ,
17 Director, USCIS, JOHN CRAMER, District
Director, San Francisco USCIS Field Office,

**STIPULATION REMANDING CASE TO
UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, PURSUANT TO 8
U.S.C. § 1447(b) and ~~PROPOSED~~ ORDER**

18 Defendants.

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20 1. Plaintiff commenced an action pursuant to 8 U.S.C. § 1447(b), requesting this Court to
21 adjudicate his application for naturalization that was pending before the United States Citizenship and
22 Immigration Services (“USCIS” or “the agency”) for more than 120 days after Plaintiff had been
23 interviewed.

24 2. USCIS is now prepared to resolve this matter by adjudicating Plaintiff’s application for
25 naturalization. However, USCIS cannot adjudicate the application unless and until the Court remands
26 the matter to the agency. *See* 8 U.S.C. § 1447(b) (explaining that the district court “may remand [a
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28 STIPULATION TO REMAND
C17-00194 MEJ

1 Section 1447(b) case], with appropriate instructions, to the [USCIS]”); *United States v. Hovsepian*, 359
2 F.3d 1144, 1160 (9th Cir. 2004) (accord).

3 Accordingly, IT IS HEREBY STIPULATED that:

4 1. The Court shall remand this case to USCIS, directing the agency to take any and all
5 necessary actions, and issue a decision on Plaintiff’s application for naturalization within 30 days of the
6 remand order.

7 2. If USCIS does not issue a decision on Plaintiff’s application for naturalization within the
8 time frame set forth in paragraph 1 above, Defendants will not oppose any request by Plaintiff to this
9 Court to vacate the remand order and thereby re-assert jurisdiction over Plaintiff’s action pursuant to 8
10 U.S.C. § 1447(b). Each party will bear their own costs and attorney fees.

11 Date: April 18, 2017

Respectfully submitted,

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13 BRIAN J. STRETCH
United States Attorney

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15 /s/ Sara Winslow
SARA WINSLOW
Assistant United States Attorney
Attorneys for Defendants

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18 Dated:

RAJPAL BANDARAPALLI
Pro Se

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21 **ORDER**

22 Pursuant to stipulation, IT IS SO ORDERED.

23
24 Date:

25 Maria-Elena James
United States Magistrate Judge

1 Section 1447(b) case], with appropriate instructions, to the [USCIS]”); *United States v. Hovsepian*, 359
2 F.3d 1144, 1160 (9th Cir. 2004) (accord).

3 Accordingly, IT IS HEREBY STIPULATED that:

4 1. The Court shall remand this case to USCIS, directing the agency to take any and all
5 necessary actions, and issue a decision on Plaintiff’s application for naturalization within 30 days of the
6 remand order.

7 2. If USCIS does not issue a decision on Plaintiff’s application for naturalization within the
8 time frame set forth in paragraph 1 above, Defendants will not oppose any request by Plaintiff to this
9 Court to vacate the remand order and thereby re-assert jurisdiction over Plaintiff’s action pursuant to 8
10 U.S.C. § 1447(b). Each party will bear their own costs and attorney fees.

11 Date: Respectfully submitted,

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13 BRIAN J. STRETCH
United States Attorney

14
15 _____
SARA WINSLOW
Assistant United States Attorney
Attorneys for Defendants

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17 DocuSigned by:
Rajpal Bandarapalli
5D353A04997D472...

4/14/2017

18 Dated: _____
19 RAJPAL BANDARAPALLI
Pro Se

20
21 **ORDER**

22 Pursuant to stipulation, IT IS SO ORDERED.

23
24 Date: April 19, 2017

25 _____

26 Maria-Elena James
United States Magistrate Judge