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7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION

11 MU LI WU,  
 12 YIN YIN LI,

13 Plaintiffs,

14 v.

15 MICHAEL CHERTOFF, Secretary, Department  
 of Homeland Security; Department of Homeland  
 16 Security; JONATHAN SCHARFEN, Acting  
 Director, USCIS; U.S. Citizenship and  
 17 Immigration Services; GERARD HEINAUER,  
 Director, USCIS Nebraska Service Center;  
 18 LYNNE SKEIRIK, Director, U.S. Department  
 of State, National Visa Center,

19 Defendants.  
 20

) No. C 08-3541 SBA

) **STIPULATION TO EXTEND HEARING**  
**DATE; AND [PROPOSED] ORDER**

) Date: June 2, 2009  
 ) Time: 1:00 p.m.

21 The plaintiffs, by and through their attorneys of record, and defendants, by and through their  
 22 attorneys of record, hereby stipulate, subject to approval of the Court, to extend the date of the  
 23 hearing in this matter in light of the reasonable possibility that this case may become moot in the  
 24 next thirty days.

25 1. Mu Li Wu (“Wu”) is a native and citizen of China who, after receiving a grant of asylum in  
 26 the United States, filed an I-730 petition with the United States Citizenship and Immigration  
 27 Services (“USCIS”) on behalf of her daughter.  
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1 2. The I-730 petition has been approved by USCIS and Wu’s daughter is waiting to be issued a  
2 travel document by the USCIS Field Office in Guangzhou, China, for the purpose of traveling to  
3 the United States.

4 3. The plaintiffs filed this action under the mandamus statute and the Administrative  
5 Procedure Act on July 23, 2008, asking the Court to direct USCIS to promptly issue a travel  
6 document.

7 3. The parties filed cross-motions for summary judgment and a hearing on those cross-motions  
8 was originally scheduled for January 27, 2009, at 1:00 p.m.

9 4. In light of the fact that, after the filing of the parties’ cross-motions for summary judgment,  
10 the beneficiary of the approved I-730 was sent an interview notice by the USCIS Field Office in  
11 Guangzhou, China, the parties asked this Court to extend the date of the hearing on the cross-  
12 motions by four months in light of their belief that the case could become moot in that period.

13 5. On January 12, 2009, this Court extended the date of the hearing in this matter to June 2,  
14 2009, at 1:00 p.m.

15 6. The petitioner was recently informed by the USCIS Field Office in Guangzhou, China, that  
16 she should appear in that office to receive paperwork – presumably to receive her travel document  
17 – on May 29, 2009.

18 7. In light of the reasonable probability that this case will be moot shortly, the parties  
19 respectfully ask this Court to again vacate the hearing on the parties’ cross-motions for summary  
20 judgment, currently scheduled for June 2, 2009, at 1:00 p.m., and to re-schedule the hearing for  
21 July 7, 2009, at 1:00 p.m., or a date soon thereafter that is convenient for the Court.

22 8. If the case becomes moot in the interim, the parties will file a stipulation to dismiss. If the  
23 case does not become moot in the interim, the defendants will file their reply (currently due on  
24 May 18, 2009) at least two weeks in advance of the re-scheduled hearing.

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Dated: May 15, 2009

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney  
Attorneys for Defendants

Dated: May 15, 2009

/s/  
ROBERT B. JOBE  
LAW OFFICE OF ROBERT B. JOBE  
Attorneys for Plaintiffs

~~PROPOSED~~ ORDER

Pursuant to stipulation, the June 2, 2009 hearing on the parties' cross-motions for summary judgment is vacated and re-scheduled for July 7, 2009, at 1:00 p.m. If the case becomes moot, the parties shall file a stipulation to dismiss. If the case does not become moot, the defendants' reply shall be due at least two weeks in advance of the July 7, 2009 hearing.

Dated: May 19, 2009

  
SAUNDRA B. ARMSTRONG  
UNITED STATES DISTRICT JUDGE