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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13
14 AVTAR SINGH HEERA,
15 Plaintiff,
16

)
)
) No. 11-CV-3380-LB

)
) **STIPULATION TO HOLD**
) **MATTER IN ABEYANCE**
)

17 ALEJANDRO MAYORKAS,
18 DIRECTOR, USCIS, et al.,
19 Defendants.
20

1 Defendants Alejandro Mayorkas, Director, U.S. Citizenship and Immigration Services
2 (“USCIS”); Gerard Heinauer, Director, USCIS Nebraska Service Center; USCIS; Janet
3 Napolitano, Secretary, U.S. Department of Homeland Security (“DHS”); DHS; Robert S. Mueller,
4 Director, Federal Bureau of Investigation; Eric H. Holder, Jr., U.S. Attorney General, and Plaintiff
5 Avtar Singh Heera, hereby stipulate to hold matters in abeyance in the above-referenced case for a
6 period of ninety (90) days from the date of issuance of an order granting the stipulated abeyance.
7 Defendant also agrees to respond to Plaintiff’s Complaint for a Writ of Mandamus and Declaratory
8 and Injunctive Relief at the close of this ninety (90) day period. In further support thereof, the
9 parties say as follows:

- 10 1. Plaintiff filed Form I-589, applications for asylum with USCIS on June 7, 1999, and June
11 14, 1999.
- 12 2. On October 7, 1999, Plaintiff was granted asylum.
- 13 3. On October 10, 2000, Mr. Heera filed with USCIS his Form I-485, application to adjust
14 status to that of a lawful permanent resident.
- 15 4. On July 8, 2011, Plaintiff filed his Complaint for a Writ of Mandamus and Declaratory and
16 Injunctive Relief, which alleges that the delay in USCIS’s adjudication of his application
17 for adjustment of status violates 8 C.F.R. § 1209.2; the Administrative Procedure Act, and
18 28 U.S.C. § 1361.
- 19 5. After the filing of this Action, on August 25, 2011, USCIS issued Plaintiff a Notice of
20 Intent to Terminate Asylum Status (“NOIT”), alleging that Plaintiff’s asylum status is
21 subject to termination based on a showing of fraud such that Plaintiff was not eligible for
22 asylum when it was granted. Plaintiff is scheduled for an interview with USCIS on October
23 5, 2011, at 9:30 a.m.
- 24 6. Both parties recognize that forthcoming administrative action by USCIS on the NOIT may
25 moot this matter.
- 26 7. A decision by USCIS whether to terminate Plaintiff’s asylum status will allow USCIS
27 continue to pursue its efforts to complete the adjudication of Plaintiff’s adjustment of status
28 application within ninety (90) days of the issuance of the abeyance order requested herein.

1 8. In the interest of judicial economy, the potential for adjudication of Plaintiff's adjustment
2 of status application within ninety (90) days from the date of issuance of the abeyance order
3 requested herein merits grant of the abeyance.

4 WHEREFORE, with good cause having been shown, the parties hereby request that this
5 Court issue an order granting an abeyance of matters in this case for a period of ninety (90) days
6 from the date of issuance of the abeyance order.

7 Dated: September 6, 2011

Respectfully submitted,

8 TONY WEST
9 Assistant Attorney General

10 ELIZABETH J. STEVENS
11 Assistant Director

12 /s/ Jeffrey S. Robins
13 JEFFREY S. ROBINS
14 Senior Litigation Counsel
15 Office of Immigration Litigation
16 Civil Division
17 U.S. Department of Justice

18 Dated: September 6, 2011

/s/ Shuting Chen (with consent)
19 SHUTING CHEN
20 Attorney for Plaintiff

21 ORDER

22 Pursuant to stipulation, IT IS SO ORDERED.

23 Dated: September 16, 2011

