

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADERAW YESHIWAS,

Petitioner,

No. C 12-1719 PJH

v.

**ORDER SETTING ASIDE JUDGMENT,
REOPENING CASE AND SETTING
BRIEFING SCHEDULE**U.S. CITIZENSHIP AND
IMMIGRATION SERVICES, et al.,

Respondents.

By letter dated October 30, 2013, petitioner Aderaw Yeshiwas informs the court that his attorney, Daniel Richardson, passed away on October 12, 2013. Petitioner explains that due to his attorney's serious illness that led to his death, he was unable to file a supplemental brief in opposition to the motion to dismiss as required by the order entered September 19, 2013. Pursuant to petitioner's request to reopen his case, and for good cause shown, the court hereby vacates and sets aside the judgment entered October 22, 2013, and reopens this proceeding.

Whether petitioner obtains new counsel, or appears pro se, he must file a supplemental brief in opposition to respondents' motion to dismiss by January 6, 2014. As required by the September 19, 2013 order, the supplemental opposition brief must address whether the first amended petition for relief from the court's order of naturalization satisfies the procedural requirements of Federal Rule of Civil Procedure 60(b) and (c), and whether the first amended petition is timely under the relevant statute of limitations. Respondents may file a supplemental reply brief seven (7) days after the supplemental opposition brief is filed. The motion to dismiss will be submitted on the papers and no further hearing will be held on the matter unless deemed necessary by the court.

IT IS SO ORDERED.

Dated: November 5, 2013


PHYLLIS J. HAMILTON
United States District Judge