

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3  
4

5  
6 BALDEV SINGH MANN,  
a.k.a. BHADAR SINGH,

7 Petitioner,

8 vs.  
9

10 ERIC HOLDER, JANET NAPOLITANO,  
AND TIMOTHY AITKEN,

11 Respondents.  
12

Case No.: 12-CV-04712-YGR

**ORDER GRANTING EMERGENCY STAY OF  
DEPORTATION AND REQUEST FOR RESPONSE  
IN LIGHT OF NOTICE OF INTENT TO DENY**


13  
14  
15 Petitioner Baldev Singh Mann (“Petitioner”) asks the Court to stay his removal to India and  
16 to release him from the custody of the United States Immigration and Customs Enforcement while  
17 the United States Citizenship and Immigration Service (“USCIS”) adjudicates his pending  
18 application for adjustment of status. The parties previously stipulated not to deport Petitioner prior  
19 to October 31, 2012. On October 30, 2012, Respondents filed a Notice of Recent Agency Action,  
20 attaching the USCIS’ Notice of Intent to Deny (“Notice of Intent”), which stated that Petitioner’s  
21 “Application to Register Permanent [R]esidence or Adjust Status (Form I-485) . . . is denied for the  
22 reasons stated in the attached decision.” (Dkt. No. 15.) The Notice of Intent provides that  
23 Petitioner has the option to submit a form I-601 for a possible waiver of inadmissibility and to submit  
24 evidence in response to the Notice of Intent within thirty days.

25 **The Court hereby GRANTS Petitioner a stay of deportation until November 6, 2012.**  
26 **Respondents may not remove Petitioner from the United States prior to this date.** By  
27 Thursday, November 1, 2012 at 3:00 p.m., Petitioner shall file a response indicating whether  
28 Petitioner intends to file a form I-601 or submit additional evidence to the USCIS. Petitioner’s

1 response must provide authority for why his pending Petition for Writ of Habeas Corpus is not  
2 moot in light of the Notice of Intent. Respondents shall file a reply to Petitioner's submission by  
3 3:00 p.m. on November 2, 2012. The parties' submissions are limited to three pages.  
4 Alternatively, the parties may file a joint stipulation proposing a different schedule and agreeing not  
5 to remove Petitioner from the United States until submissions are complete. The parties shall  
6 provide the Court with a reasonable opportunity to review the submissions.

7 **IT IS SO ORDERED.**

8  
9 Dated: October 30, 2012

  
10 **YVONNE GONZALEZ ROGERS**  
11 **UNITED STATES DISTRICT COURT JUDGE**