



1 violated 8 U.S.C. § 1447(b), which provides:

2 If there is a failure to make a determination under section 1446 of this title before  
3 the end of the 120-day period after the date on which the examination is  
4 conducted under such section, the applicant may apply to the United States  
5 district court for the district in which the applicant resides for a hearing on the  
6 matter. Such court has jurisdiction over the matter and may either determine the  
7 matter or remand the matter, with appropriate instructions, to the Service to  
8 determine the matter.

9 Plaintiff requests that this Court adjudicate the naturalization application and declare that  
10 he is entitled to be naturalized.

11 Good cause therefore appearing, IT IS HEREBY ORDERED as follows:

12 (1) The Clerk of the Court shall serve by certified mail a copy of the complaint and a  
13 copy of this Order upon counsel for Defendants, the Office of the United States Attorney. The  
14 Clerk of the Court also shall serve a copy of this Order upon Plaintiff's counsel of record.

15 (2) Defendants shall, within sixty (60) days after receiving service of the complaint,  
16 file and serve upon Plaintiff an answer, showing cause why the relief prayed for should not be  
17 granted. At the time the answer is filed, Defendants shall lodge with the Court all records  
18 relevant to a determination of the issues presented by the complaint. If Defendants contend that  
19 Plaintiff has failed to exhaust administrative remedies as to any ground for relief asserted in the  
20 complaint, Defendants shall specify what administrative remedy remains available to Plaintiff.  
21 If Defendants waive or concede the issue of exhaustion, Defendants shall so state in their  
22 answer.

23 (3) Plaintiff may file a response to the matters raised in the answer within twenty (20)  
24 days after receiving the answer.

25 (4) Unless otherwise ordered by the Court, the matter will be deemed submitted upon  
26 the filing of the response or upon the expiration of time to file a response.

27 (5) No later than the time their respective responses hereunder are due, the parties  
28 shall make their determination regarding the issue of consent to the jurisdiction of the Magistrate  
Judge and file the appropriate form. In the event any party declines to consent to the jurisdiction  
of the Magistrate Judge, this action will be reassigned to a District Judge for further proceedings.

1 (6) The Order Setting Initial Case Management Conference and ADR deadlines entered  
2 on September 19, 2006 in this action is hereby VACATED.

3 IT IS SO ORDERED.

4 Dated: October 2, 2006



RICHARD SEEBORG  
United States Magistrate Judge

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28