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**\*E-FILED 1/3/07\***

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

CHUN YUET YEUNG,  
  
Plaintiff,  
  
v.  
  
MICHAEL CHERTOFF, et al.,  
  
Defendants.

Case Number C 06-07916 RS  
ORDER TO SHOW CAUSE

On December 27, 2006, plaintiff Chun Yuet Yeung, appearing through counsel, filed a “Complaint For Writ in the Nature of Mandamus & Declaratory Judgment” against defendants Michael Chertoff, Secretary of the Department of Homeland Security; Emilio T. Gonzalez, Director of the United States Citizenship and Immigration Services (“CIS”); Christina Poulos, Acting Director of the California Service Center of the CIS; and Robert S. Mueller, III, Director of the Federal Bureau of Investigation.

Plaintiff alleges defendants have failed to process her I-485 application in a timely manner, apparently as a result of delays in obtaining a completed background check clearance

1 from the Federal Bureau of Investigation. Plaintiff alleges that, as a result, defendants have  
2 violated the Administrative Procedures Act, 5 U.S.C § 701 et. seq. Plaintiff requests that this  
3 Court enter an order directing defendants to adjudicate her application and provide her with a  
4 notice of decision. Good cause appearing, IT IS HEREBY ORDERED as follows:

5 (1) The Clerk of the Court shall serve a copy of the complaint and a copy of this  
6 Order upon counsel for Defendants, the Office of the United States Attorney. The Clerk of the  
7 Court also shall serve a copy of this Order upon Plaintiff's counsel.

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

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

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

20 (5) No later than the time their respective responses hereunder are due, the parties  
21 shall make their determination regarding the issue of consent to the jurisdiction of the Magistrate  
22 Judge and file the appropriate form. In the event any party declines to consent to the jurisdiction  
23 of the Magistrate Judge, this action will be reassigned to a District Judge for further proceedings.  
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1 (6) The Order Setting Initial Case Management Conference and ADR deadlines dated  
2 December 27, 2006 in this action is hereby VACATED.

3 IT IS SO ORDERED.

4 Dated: January 3, 2007

  
5 RICHARD SEEBORG  
6 United States Magistrate Judge

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