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E-Filed 1/22/07

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

JIAN LAN,

Plaintiff,

v.

MICHAEL CHERTOFF, et al.,

Defendants.

Case Number C 07-246 JF (PVT)

ORDER TO SHOW CAUSE

On January 12, 2007, Plaintiff Jian Lan filed the instant "Complaint For Writ in the Nature of Mandamus & Declaratory Judgment." Plaintiff alleges that 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 from the Federal Bureau of Investigation. Plaintiff alleges that, as a result, defendants have violated the Administrative Procedures Act, 5 U.S.C § 701 et. seq. Plaintiff requests that this Court enter an order compelling defendants to act upon her application.

Good cause appearing, IT IS HEREBY ORDERED as follows:

- (1) The Clerk of the Court shall serve a copy of the complaint and a copy of this Order upon counsel for Defendants, the Office of the United States Attorney. The

1 Clerk of the Court also shall serve a copy of this Order upon Plaintiff.

2 (2) Defendants shall, within sixty (60) days after receiving service of the complaint,
3 show cause in writing why the relief prayed for should not be granted.

4 (3) Plaintiff may file a response to Defendants' filing within twenty (20) days after
5 receipt of such filing.

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

8 (5) The order dated January 12, 2007, setting an Initial Case Management Conference
9 and ADR deadlines, is hereby VACATED.

10 IT IS SO ORDERED.

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15 DATED: 1/22/07

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17 JEREMY FOGEL
18 United States District Judge
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1 Copies of Order served on the following persons:

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3 Counsel for Plaintiff :

4 Justin Fok jfok@jclawoffice.com

5 Counsel for Defendants:

6 Office of the United States Attorney
7 150 Almaden Blvd., Suite 900
8 San Jose, CA 95113

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