

1 JOSEPH P. RUSSONIELLO, CSBN 44332
 United States Attorney
 2 JOANN M. SWANSON, CSBN 88143
 Chief, Civil Division
 3 EDWARD OLSEN, CSBN 214150
 Assistant United States Attorney

e-filed 11/14/08

4 450 Golden Gate Avenue, Box 36055
 5 San Francisco, California 94102
 Telephone: (415) 436-6915
 6 FAX: (415) 436-6927

7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 ZAKARIA F. IDLE and ARFON M. SHERIFF,)
 12 Plaintiffs,)

No. C 07-2345 HRL

13 v.)

14 **NINTH STIPULATION TO EXTEND**
 15 **DATE OF CASE MANAGEMENT**
 16 **CONFERENCE; AND ~~PROPOSED~~**
 17 **ORDER**

18 MICHAEL CHERTOFF, Secretary of the)
 Department of Homeland Security (DHS);)
 19 ALBERTO GONZALES, United States)
 Attorney General;)
 20 EMILIO T. GONZALEZ, Director of United)
 States Citizenship and Immigration Services)
 (USCIS);)
 21 DAVID STILL, San Francisco District Director)
 of USCIS;)
 22 PAUL NOVAK, Director Vermont Service)
 Center of USCIS;)
 23 GERARD HEINAUER, Director Nebraska)
 Service Center of USCIS;)
 24 ROBERT S. MUELLER, III, Director of)
 Federal Bureau of Investigation,)
 CONDOLEEZZA RICE, Secretary of the)
 Department of State,)
 Defendants.)

25 The plaintiffs, appearing *pro se*, and defendants by and through their attorneys of record,
 26 hereby stipulate, subject to the approval of the Court, to the following:

- 27 1. Plaintiff Arfon M. Sheriff filed I-730 petitions on behalf of her family members Zakaria
 28 Idle and Faruk Farah ("Farah").

1 2. Zakaria Idle's I-730 petition has been approved by the United States Citizenship and
2 Immigration Services (USCIS) and he has been issued a travel document.

3 3. Farah's I-730 petition has been approved by USCIS, but he has not been able to travel to the
4 United States.

5 4. Farah attended a prescreening interview in Kenya on December 17, 2007.

6 5. At that interview, Farah was informed that a second interview was required.

7 6. Farah attended a second interview in Kenya on February 28, 2008.

8 7. Counsel for the government was informed in June of 2008 by USCIS that issuance of a
9 travel document to Farah was on hold pending a determination of whether he must undergo a DNA
10 test.

11 8. Counsel for the government was informed on August 14, 2008, that USCIS had resolved the
12 issue of whether it will require DNA testing in I-730 cases such as the present one and that USCIS
13 had decided it is not going to require such DNA testing. However, counsel for the government
14 was also informed on August 14, 2008, that the Government of Kenya informed USCIS that it will
15 require DNA evidence of the relationship of the Farah and the anchor relative (Zakaria Idle).

16 9. On October 9, 2008, counsel for the government was informed by USCIS that the DNA
17 testing of the relationship between Farah and the anchor relative was a positive match.

18 10. Counsel was the government was informed by USCIS on November 10, 2008, that Farah is
19 tentatively scheduled to travel to the United States on November 18, 2008, providing he obtains a
20 Kenyan exit permit, which appears likely.

21 11. If and when Farah travels to the United States on November 18, 2008, this case will be
22 moot.

23 12. In light of the reasonable probability that this case will be moot on November 18, 2009,
24 parties respectfully ask this Court to extend the dates in the Court's scheduling order one last time,
25 as follows:


26 **Last day to file/serve Joint Case Management Statement: December 9, 2008**

27 **Case Management Conference: December 16, 2008, at**
28 **1:30 p.m.**

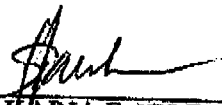
1 12. The parties recognize that this is their ninth request for an extension of the case
2 management conference, and thank the Court for its patience in this matter.
3

4 Date: November 10, 2008

Respectfully submitted,
JOSEPH P. RUSSONIELLO
United States Attorney


EDWARD A. OLSEN
Assistant United States Attorney
Attorneys for Defendants

11 Date: November 10, 2008


ZAKARIA F. IDLE
ARFON M. SHERIFF
Pro Se

15 **ORDER**

16 Pursuant to stipulation, IT IS SO ORDERED.

18 Date: 11/14/08


HOWARD R. LLOYD
United States Magistrate Judge

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