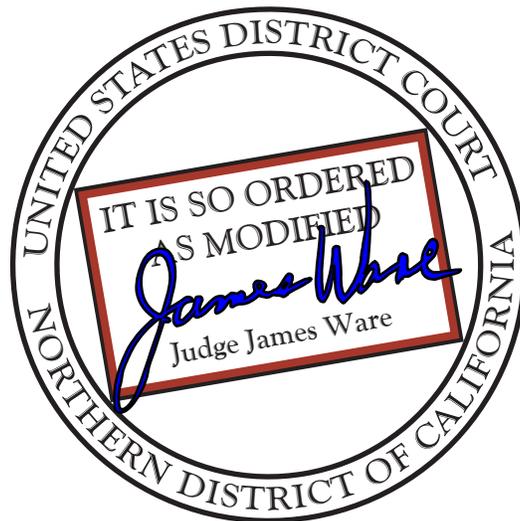


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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DHARIWAL)
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 Plaintiff,)
)
 HEINAUER, ET. AL.)
)
 Defendants.)
 _____)

No. 5:10-cv-1076-JW
**JOINT STATUS REPORT AND ORDER
SETTING SECOND JOINT STATUS
REPORT**

Plaintiff, SANTOKH SINGH DHARIWAL (“Mr. Dhariwal”), is a native and citizen of India who has been granted asylum in the United States. Eight years ago, Mr. Dhariwal filed an application to adjust his status to that of a lawful permanent resident (“Form I-485”) with the U.S. Citizenship and Immigration Services (“USCIS”) formerly the Immigration and

Stipulation to Continue Hearing Date and Reset Briefing Schedule
No. 3:10-cv-00723-EMC

1 Naturalization Service).¹ His application remains pending at the USCIS office in Mesquite,
2 Texas. On March 12, 2010, Mr. Dhariwal filed a complaint for writ mandamus and declaratory
3 and injunctive relief to compel the completion and immediate release of Mr. Dhariwal’s criminal
4 background check results; declare Defendants’ failure to adjudicate Mr. Dhariwal’s I-485
5 application filed by to be a violation of INA § 209(a), 8 U.S.C. § 1159(a), 8 C.F.R. § 1209.2, the
6 Administrative Procedure Act, and 28 U.S.C. § 1361; and order the USCIS to immediately
7 adjudicate Mr. Dhariwal’s I-485 application. Subsequently, the USCIS San Francisco Asylum
8 Office (“Asylum Office”) issued a Notice of Intent to Terminate Asylum Status and scheduled an
9 interview for May 13, 2010. On April 26, 2010, Mr. Dhariwal requested copies of all evidence
10 underlying USCIS’s intent to terminate Mr. Dhariwal’s asylum status and requested that his
11 asylum termination interview be postponed for at least 30 days. Pursuant to Plaintiff’s request,
12 the Asylum Office then sent Mr. Dhariwal a notice cancelling the scheduled interview until
13 further notice in order to allow Mr. Dhariwal to obtain and review the evidence underlying the
14 Notice of Intent to Terminate his asylum status.

15 On July 2, 2010, the Asylum Office issued a second Notice of Intent to Terminate, setting
16 an interview date of August 19, 2010.

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25 ¹ Pursuant to the *Department of Homeland Security Reorganization Plan, Homeland Security*
26 *Act of 2002*, Pub. L. No. 107-296, 116 Stat. 2135 (2002), 6 U.S.C. §§ 101-557, as of March 1, 2003,
27 the INS was abolished and its functions were transferred to the U.S. Citizenship and Immigration
28 Services (“USCIS”) within the Department of Homeland Security (“DHS”).

1 Based on the foregoing, Plaintiff and Defendants hereby request to hold all matters in this
2 case in abeyance for another ninety (90) days, pending USCIS's completion of Plaintiff's Asylum
3 Termination Interview.

4 Dated: July 6, 2010

Respectfully submitted,

5 By: /s/ Robert B. Jobe
6 ROBERT B. JOBE
7 Attorney for Petitioners

8 By: /s/Melanie L. Proctor
9 Melanie L. Proctor
10 Assistant U.S. Attorney
11 Attorneys for the Respondents

12 ***** ORDER *****

13 Pursuant to the Joint Motion of the parties, IT IS SO ORDERED. This matter is hereby
14 held in abeyance for 90 days. The parties shall file a joint status report no later than October 4,
15 2010.

16 Dated: July 9, 2010

17 
18 JAMES WARE
19 United States District Judge