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11 Attorneys for Defendants

12  
 13 UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN JOSE

15 Shia Association of Bay Area, Inc. et al,

No. 11-01369 JF

16 Plaintiffs,

STIPULATION for Order to REMOVE  
 PLAINTIFFS' MOTION FOR PRELIMINARY  
 INJUNCTION FROM HEARING  
 CALENDAR;

17 v.

and

18 United States of America, et al,

~~PROPOSED~~ ORDER

19  
20 Defendants.

Immigration Case, Mandamus, Administrative  
Procedure Act Case

21 Before: Honorable Jeremy Fogel  
 Date: May 6, 2011  
 22 Time: 9:00 AM

23 STIPULATION RE: REMOVAL OF PI MOTION FROM HEARING CALENDAR

1 Pursuant to Civil Local Rules (Civil L-R) 7-12, the parties hereby respectfully request  
2 that this Court approve the parties' stipulation to take Plaintiffs' Motion for a Preliminary  
3 Injunction off the hearing calendar.

4 Plaintiffs filed their Complaint for Declaratory and Injunctive Relief and for Writ of  
5 Mandamus on March 22, 2011. On April 6, 2011, the parties filed a stipulated briefing and  
6 hearing schedule on Plaintiffs' Motion for Preliminary Injunction. Based on that stipulated  
7 briefing schedule, Plaintiffs filed their motion for preliminary injunction on April 8, 2011.

8 In their motion for preliminary injunction, Plaintiffs moved for an order requiring  
9 Defendants to return Plaintiffs Dr. Nabi Raza Mir and Syeda Gulshan Zahera to the United  
10 States and restore them to the status they held prior to the revocation of their advance parole and  
11 that, should Defendants decide to initiate removal proceedings against some or all of the  
12 individual plaintiffs in this matter after they return them to the U.S., Plaintiffs would have the  
13 right to renew their adjustment applications in the removal proceeding. A hearing on the  
14 motion for preliminary injunction was scheduled for May 6, 2011.

15 On April 13, 2011, the parties filed a joint stipulation to stay the briefing schedule  
16 pursuant to Defendants' DHS' agreement to facilitate Plaintiffs Dr. Mir and Ms. Zahera's return  
17 to the United States and afford them all of the rights and due process due to them under the law.  
18 This Court signed an order approving the stipulation on April 15, 2011.

19 On April 25, 2011, pursuant to the Court's order and the joint stipulation, Plaintiffs Dr.  
20 Mir and Ms. Zahera were permitted to return to the United States.

21 Based on Plaintiffs' Dr. Mir and Ms. Zahera's return to the United States, the parties  
22 agree to the following:

23 STIPULATION RE: REMOVAL OF PI MOTION FROM HEARING CALENDAR

1 1. The accelerated May 6, 2011 hearing date on Plaintiffs' Motion for Preliminary  
2 Injunction is not needed at this time and the hearing date may be removed from this  
3 Court's calendar. The parties will advise the Court if and when another date and briefing  
4 schedule is needed on Plaintiffs' motion.

5  
6 Dated: April 28, 2011

Respectfully submitted,

7 /s/ \_\_\_\_\_  
8 Marc Van Der Hout  
9 Stacey Gartland  
10 Van Der Hout, Brigagliano & Nightingale, LLP  
11 Attorneys for Plaintiffs

12  
13 Dated: April 28, 2011

14 /s/ \_\_\_\_\_  
15 Melissa Leibman  
16 Office of Immigration Litigation  
17 Attorney for Defendants

18 Pursuant to stipulation, IT IS SO ORDERED.

19 Date: 5/3/2011

20   
21 \_\_\_\_\_  
22 Hon. Jeremy Fogel  
23 United States District Judge

STIPULATION RE: REMOVAL OF PI MOTION FROM HEARING CALENDAR

1 CERTIFICATE OF SERVICE

2 I, Marc Van Der Hout, the undersigned, say:

3 I am over the age of eighteen years and not a party to the within action or proceedings;  
4 my business address is Van Der Hout, Brigagliano & Nightingale, LLP, 180 Sutter Street, Fifth  
5 Floor, San Francisco, CA 94104.

6 On April 28, 2011, I caused to be served on opposing counsel the within:

7 STIPULATION for Order to REMOVE PLAINTIFFS' MOTION FOR PRELIMINARY  
8 INJUNCTION FROM HEARING CALENDAR;

9 and  
[PROPOSED] ORDER

10 with the Clerk of Court for the United States District Court for the Northern District of California  
11 by using the appellate CM/ECF system.

12  
13 I certify that Melissa Leibman, of the Office Immigration Litigation, who has entered her  
14 appearance on behalf of all defendants named in this case, is a registered CM/ECF user and that  
15 service will be accomplished by the appellate CM/ECF system.

16  
17 /s/ Marc Van Der Hout  
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23 STIPULATION RE: REMOVAL OF PI MOTION FROM HEARING CALENDAR