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8	Attorneys for Defendants		
9	UNITED STATES DISTRICT COURT		
10	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
12	BAHMAN KAYHAN KHADIV,) C 16-06691 NC	
13	Plaintiff,		
14	V.) STIPULATION REMANDING CASE TO UNITED STATES CITIZENSHIP AND	
15	LORETTA E. LYNCH, Attorney General of the United States;) IMMIGRATION SERVICES, PURSUANT TO 8 U.S.C. § 1447(b) and ORDER	
16	JEH CHARLES JOHNSON, Secretary of the Department of Homeland Security;) 0.5.C. § 1447(0) and OKDER	
17	JOHN KRAMAR, District Director, San Jose		
18	U.S. Citizenship and Immigration Services,		
19	Defendants.		
20			
21	1. Plaintiff commenced an action pursuant to 8 U.S.C. § 1447(b), requesting this Court to		
22	adjudicate his application for naturalization that was pending before the United States Citizenship and		
23	Immigration Services ("USCIS" or "the agency") for more than 120 days after Plaintiff had been		
24	interviewed.		
25	2. USCIS is now prepared to resolve this matter by adjudicating Plaintiff's application for		
26	naturalization. However, USCIS cannot adjudicate the application unless and until the Court remands the matter to the agency. <i>See</i> 8 U.S.C. § 1447(b) (explaining that the district court "may remand [a		
27	the matter to the agency. See 8 U.S.C. § 1447(t	b) (explaining that the district court may remand [a	
28			
_0	STIPULATION TO REMAND C16-06691 NC		
		Dockets.Justia.con	

1	Section 1447(b) case], with appropriate instructions, to the [USCIS]"); United States v. Hovsepian, 359		
2	F.3d 1144, 1160 (9 th Cir. 2004) (accord).		
3	Accordingly, IT IS HEREBY STIPULATED that:		
4	1. The Court shall remand this case to USCIS, directing the agency to take any and all		
5	necessary actions, and issue a decision on Plaintiff's application for naturalization within 60 days of the		
6	remand order.		
7	2. If USCIS does not issue a decision on Plaintiff's application for naturalization within the		
8	time frame set forth in paragraph 1 above, Defendants will not oppose any request by Plaintiff to this		
9	Court to vacate the remand order and thereby re-assert jurisdiction over Plaintiff's action pursuant to 8		
10	U.S.C. § 1447(b). Each party will bear their own costs and attorney fees.		
11	Date: February 23, 2017Respectfully submitted,		
12	BRIAN J. STRETCH		
13	United States Attorney		
14	/8/		
15	SARA WINSLOW Assistant United States Attorney		
16	Attorneys for Defendants		
17			
18	Dated: February 23, 2017 /s/ GABRIEL D. JACK		
19	Attorney for Plaintiff		
20			
21	ORDER		
22	Pursuant to stipulation, IT IS SO ORDERED.		
23	TATES DISTRICT C		
24	Data: Fahmany 22, 2017		
25	Date: February 23, 2017		
26			
27	Z Judge Nathanael M. Cousins		
28	STIPULATION TO REMAND C16-06691 NC		