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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: *PTC* DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

GHOLAMREZA BAGHERZADEH,  
  
Plaintiff,  
  
vs.  
MICHAEL CHERTOFF, Secretary,  
EMILIO GONZALEZ, Director, DONALD  
NEUFELD, Center Director, and  
VERNON DUNCAN, Acting District  
Director, Department of Homeland  
Security, and ALBERTO GONZALEZ,  
Attorney General,  
  
Defendants.

CASE NO. 06cv2332-LAB (BLM)  
**SCHEDULING ORDER**

Plaintiff has filed a Complaint For Relief In The Nature Of Mandamus under 8 U.S.C. §§ 1101(a)(15)(k) and 1184(d) for delay in the processing of his fiance's visa application. He alleges he is a citizen of the United States who filed the visa petition in March 23, 2004 to permit his fiancé, who resides in Iran, to enter the United States. He alleges he and his counsel have repeatedly inquired of the bureau of Citizenship and Immigration Services ("CIS") in the Department of Homeland Security ("DHS") regarding the status of the petition, only to be informed the processing is awaiting the result of a security or other clearance by some federal agency.

Plaintiff alleges In September 2006, the California Service Center ("CSC") of the CIS directed all further inquiries regarding the status of the visa petition to the local District Office,

1 where the CSC represented the petition had been relocated in on May 1, 2006. The local  
2 District Office purportedly informed Plaintiff or his counsel on October 10, 2006 that the case  
3 is in the Central Office in Washington D.C.

4 Plaintiff represents the visa petition has been pending over two and one-half years,  
5 he has exhausted all administrative remedies, and defendants appear to have done nothing  
6 to move forward to a final decision. Good cause appearing, **IT IS HEREBY ORDERED** that  
7 on or before **November 20, 2006**, Defendants shall respond to the Complaint by serving and  
8 filing a return in writing, including copies of all pertinent portions of the record, and a  
9 memorandum of law and fact fully stating their position, including why the requested relief  
10 should not be granted. Plaintiff may respond to that filing on or before **December 11, 2006**.  
11 The parties shall thereafter await further order of this Court.

12 **IT IS FURTHER ORDERED** the Clerk of Court shall serve a copy of the Complaint,  
13 together with a copy of this Order, on the United States Attorney or an authorized  
14 representative, 880 Front Street, Room 6293, San Diego, California 92101.

15 **IT IS SO ORDERED.**

16 DATED: \_\_\_\_\_

10/29/06



17 **HONORABLE LARRY ALAN BURNS**  
18 United States District Judge  
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