

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00470-KLM

EMAN OSMAN,

Plaintiff,

v.

JEH JOHNSON, Secretary of the Department of Homeland Security, in his official capacity,
ANDREW LAMBRECHT, Field Office Director, Denver Field Office, United States
Citizenship and Immigration Services, in his official capacity,
LEON RODRIGUEZ, Director of United States Citizenship and Immigration Services, in his
official capacity, and
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS),

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the parties' **Joint Motion to Remand** [#9] (the "Motion").¹ In the Motion, the parties jointly move to remand this case to the United States Citizenship and Immigration Services ("USCIS"). In this case, Plaintiff asks the Court to review her claim for citizenship pursuant to 8 U.S.C. § 1447(b). *See generally Compl.* [#1]. That statute gives the District Court the authority to consider an application for citizenship if USCIS has not issued a decision within 120 days of Plaintiff's interview with USCIS. *Id.* The parties state that USCIS is now ready to issue a decision in this case and asks the Court to return jurisdiction to the agency so that it may issue a decision. Upon remand,

¹ The case has been referred to the undersigned for all purposes [#8] pursuant to D.C.COLO.LCivR 72.2(d) and 28 U.S.C. § 636(c), upon consent of the parties [#6].


USCIS is expected to issue a decision within fourteen days. The Court has the authority to remand the case to the agency for adjudication. See 8 U.S.C. § 1447(b) (“Such court has jurisdiction over the matter and may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter.”); see also *Marron v. Napolitano*, No. 11-cv-0861-WJM-KLM, 2011 WL 6032930 (D. Colo. Dec. 5, 2011) (issuing such a remand). Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#9] is **GRANTED**. Pursuant to 8 U.S.C. § 1447(b), this action is remanded to USCIS for a decision on Plaintiff’s application for citizenship with instructions that USCIS adjudicate that application within fourteen days of the date of this order.

IT IS FURTHER **ORDERED** that the Clerk of Court shall **CLOSE** this case.

Dated: April 14, 2016

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix".

Kristen L. Mix
United States Magistrate Judge