

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR TAGLE,

Plaintiff,

vs.

DEPARTMENT OF HOMELAND SECURITY,

Defendant.

Case No. 2:15-cv-02506-APG-VCF

ORDER

AMENDED COMPLAINT (ECF No. 19)

Before the Court is Victor Tagle's amended complaint. (ECF No. 19). The Court hereby orders Tagle to submit a second amended complaint to address issues as discussed below.

On May 3, 2016, the Court ordered that Tagle had until June 3, 2016 to file an amended complaint alleging:

that he previously submitted an application for naturalization to the Attorney General under 8 U.S.C. § 1445(a), and either:

(1) that application was denied (and the reason for that denial) after a hearing with an immigration officer under 8 U.S.C. § 1447(a), and Tagle seeks review of that denial under 8 U.S.C. § 1421(c); or

(2) the Attorney General has not made a determination, more than 120 days have passed since the examination required under § 1446, and Tagle requests this court to determine the matter under 8 U.S.C. § 1447(b).

(ECF No. 15 at 2).

On May 23, 2016, Tagle filed an amended complaint. (ECF No. 19). Tagle alleges that on March 31, 2016 he "sent a petition to the U.S. Attorney General." (Id. at 2). Tagle also sent a "petition to the Governor" who would, allegedly, forward it to the Nevada Attorney General. (Id.). As of the filing of the amended complaint, Tagle had not received any response to his "petitions." (Id.).

1 Tagle filed his amended complaint less than two months after submitting a “petition” to the
2 Attorney General. When Tagle filed his amended complaint, he was unable to assert either that his
3 application for naturalization had been denied or that the Attorney General had failed to make a
4 determination on the application within the 120-day period specified in 8 U.S.C. § 1447. The 120-day
5 period has now passed. Therefore, the Court now orders Tagle to submit a second amended complaint
6 stating (1) whether his “petition” was an application for naturalization and (2) whether the Attorney
7 General has denied the application or failed to make a determination.

8 ACCORDINGLY, and for good cause,

9 IT IS ORDERED that Tagle has until December 1, 2017 to file a second amended complaint
10 addressing the issues discussed above.

11 **NOTICE**

12 Pursuant to Local Rule IB 3-1, any objection to this Order must be in writing and filed with the
13 Clerk of the Court within 14 days. The Supreme Court has held that the courts of appeal may determine
14 that an appeal has been waived due to the failure to file objections within the specified time. See *Thomas*
15 *v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the
16 specified time and (2) failure to properly address and brief the objectionable issues waives the right to
17 appeal the District Court’s order and/or appeal factual issues from the order of the District Court. *Martinez*
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22 *v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th
23 Cir. 1983).

24 IT IS SO ORDERED.

DATED this 31st day of October, 2017.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE

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