

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-32-RJC-DSC**

MOHAMMED HOSSEIN SAEEDI,)

Plaintiff,)

v.)

DAVID L. ROARK,)
Director, U.S. Citizenship and)
Immigration Services, Texas Service)
Center,)

Defendant.)

ORDER

THIS MATTER comes before the Court on the parties’ “Joint Motion for an Abeyance,” (Doc. No. 25). The Court reversed the U.S. Citizenship and Immigration Services’s (“USCIS”) permanent immigration status determination and ordered it to reopen and adjudicate the Plaintiff’s application on March 15, 2011. (Doc. No. 19). Because USCIS took seven years to initially adjudicate Plaintiff’s application, the Court gave USCIS forty-five days to reopen and adjudicate his case in compliance with the Court’s Order. (*Id.*). The Magistrate Judge has twice extended this deadline for good cause shown. (Doc. Nos. 22; 24). The parties now ask for a third extension. (Doc. No. 25). The parties state that Plaintiff Mohammed Hossein Saeedi (“Plaintiff”) has left the country and has not been in contact with his attorney. (*Id.*). Plaintiff faces criminal charges in Mecklenburg Superior Court, but he has missed a court date and faces an active warrant for his arrest. (*Id.*). USCIS argues that it “cannot approve an adjustment application until there has been a final disposition of an outstanding criminal matter.” (*Id.* at 2).

Plaintiff's attorney is no longer in contact with Plaintiff, but states that he may seek to dismiss this case. (Id.). The Court reminds the parties that it is USCIS who is in violation of this Court's March 15, 2011 Order, not Plaintiff. (Doc. No. 19 at 12). The Court orders the parties to submit a Joint Status Report within fourteen (14) days of the date of this Order. The parties must update the Court on the progress of this case. USCIS must explain and support its statement that it cannot adjudicate Plaintiff's application until his criminal charges are resolved. Plaintiff's attorney must explain his steps to contact his client and his authority to dismiss this case in the absence of his client.

IT IS, THEREFORE, ORDERED that:

1. The parties' "Joint Motion for an Abeyance," (Doc. No. 25), is **DENIED**; and
2. The parties must file a Joint Status Report within fourteen (14) days of the date of this Order.

Signed: October 7, 2011



Robert J. Conrad, Jr.
Chief United States District Judge

