1		Honorable Richard A. Jones				
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6	UNITED STATES DISTRICT COURT					
7	WESTERN DISTRICT OF WASHINGTON AT SEATTLE					
8	ROMAN KHOMLYAK,	NO. 13-61-RAJ				
9	Petitioner,	NO. 13-61-RAJ				
10	v.	ORDER ON STIPULATED MOTION				
11	JANET NAPOLITANO, ET AL,					
12	Respondents.					
13	I. Stipulation					
14	The parties have conferred and reached a settlement of this matter, upon					
15	the following conditions:					
16	1. Petitioner Roman Khomlyak will attend a biometrics capture					
17	appointment with United States Citizenship and Immigration					
18	Services ("USCIS"), to be scheduled by USCIS within 21 days of the					
19	entry of a remand order.					
20	2. USCIS will complete all necessary background checks on the					
21	Petitioner within 21 days of Mr. Khomlyak's attendance at the					
22	biometrics appointment.					
23	JOINT MOTION TO REMAND WITH INSTRUNO. 13-61-RAJ	GIBBS HOUSTON PAUW CTIONS – 1 1000 Second Avenue, Suite 1600 Seattle, WA 98104 Ph. (206) 682-1080 Fax. (206) 689-2270 Docket				

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1	3.	Provided that there are no additional arrests or convictions, other				
2		than those already disclosed by Mr. Khomlyak on his N-400 form and				
3		in the N-400 interview, USCIS agrees to grant Mr. Khomlyak's N-400				
4		and schedule an oath ceremony within 14 days of the approval.				
5	4.	Both parties agree to bear their own costs and fees, except as				
6		provided in paragraph 5.				
7	5.	In the event of a material breach of this settlement agreement, this				
8		Court retains jurisdiction and paragraph 4 does not apply.				
9	Dated this 24 th day of April, 2013.					
10	/a/ Dav	in T. Theriot-Orr				
11		neriot-Orr, WSBA #33995	STUART F. DELERY Acting Assistant Attorney General Civil Division			
12	1000 Secon	d Avenue, Suite 1600 A 98104-1003		COLIN A. KISOR		
13		080, <u>devin@ghp-law.net</u>	Deputy Director District Court Section			
14	Counsel for	Petitioner	J. MAX WEIN			
15			Senior Litigation Counsel			
16			<u>/s/ Anna N</u> Anna Nelson	<u>lelson</u>		
17			U.S. Department of Justice Civil Division			
18				gration Litigation Ben Franklin Station		
19	Washington, D.C. 20044 (202)532-4402, <u>Anna.Nelson@usdoj.go</u>					
20	Counsel for Respondents					
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22						
23	JOINT MOTION TO REMAND WITH INSTRUCTIONS – 2 No. 13-61-RAJ GIBBS HOUSTON PAUW 1000 Second Avenue, Suite 1600 Seattle, WA 98104 Ph. (206) 682-1080					

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Having reviewed the parties' stipulation, the court GRANTS their joint motion. Dkt. # 11. Although the parties request a "remand" to United States Citizenship and Immigration Services, they do not request that the court dismiss this action. Accordingly, the court directs the clerk to STAY this matter pending notification from Petitioner that he has either been naturalized or that the parties failed to execute their settlement agreement. The stay does not impact the parties' execution of their settlement.

Pursuant to the stipulation and agreement of the parties and for good cause shown, this court directs the parties to adhere to the following instructions: (1) USCIS shall schedule, and Petitioner shall attend, a biometrics appointment within 21 days of the entry of a remand order, (2) USCIS shall complete the necessary background checks within 21 days of the biometrics appointment, and, subject to paragraph 3 above, (3) USCIS shall approve the application for naturalization and schedule an oath ceremony within 14 days of the approval. This Court retains jurisdiction over any dispute regarding the implementation of this Agreement. Parties are directed to notify the Court of their compliance with this Order within 14 days of the Petitioner's oath ceremony

Dated this 26th day of April, 2013.

Richard A Jones

The Honorable Richard A. Jones United States District Court Judge

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