

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 24th day of April, 2013.

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II. ORDER

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.



The Honorable Richard A. Jones
United States District Court Judge