

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Khalid Karar,

Civil No. 07-1853 (DWF/AJB)

Plaintiff,

v.

**ORDER**

Denise Frazier, Field Office Director,  
St. Paul District, Citizenship and Immigration  
Service; Alberto R. Gonzales, Attorney  
General of the United States; Robert Mueller,  
Director, Federal Bureau of Investigation;  
Michael Chertoff, Secretary of the Department  
of Homeland Security; Emilio Gonzales,  
Director, Citizenship & Immigration Service,

Defendants.

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Richard L. Breitman, Esq., Breitman Immigration Law Firm, counsel for Plaintiff.

Mary L. Trippler, Assistant United States Attorney, United States Attorney's Office,  
counsel for Defendants.

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This matter is before this Court on Defendants' Motion to Dismiss and Motion for Summary Judgment. Oral argument was heard on September 19, 2007.

Based on the files, records, and proceedings herein, the arguments of counsel, and for the reasons stated at the hearing, this Court finds that it does have subject matter jurisdiction over the present cause of action and that the matter shall be remanded to the United States Citizenship and Immigration Services ("USCIS") with instructions to

complete the administrative process and make a final determination after the Plaintiff's name check has been completed.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss and Motion for Summary Judgment (Doc. No. 4) is **DENIED**. Pursuant to 8 U.S.C. § 1447(b), Plaintiff's request for adjudication of her Application for Naturalization is **REMANDED** to the USCIS with instructions to the USCIS and other defendants to complete all background checks, including an FBI name check, as necessary to fully process and issue a determination on Plaintiff's naturalization application within **120 days** of the date of this Order. Upon completion of the adjudication, the USCIS shall promptly inform this Court and the Plaintiff of its decision.

2. Defendants are ordered to show cause to this Court for any failure to comply with the substance of the Court's Order and to do so within **30 days** of the expiration of the 120-day deadline set forth herein. This Court will retain jurisdiction over the matter in the interim to ensure that the USCIS complies with this Order. A Memorandum Opinion and Order will follow.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: September 19, 2007

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court