



User Name: Andrea Jamison

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1. [Haidari v. Frazier, 2006 U.S. Dist. LEXIS 87739](#)

Client/Matter: -None-

Search Terms: 2006 U.S. Dist. LEXIS 87739

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[Haidari v. Frazier](#)

United States District Court for the District of Minnesota

December 1, 2006, Decided

Civil No. 06-3215 (DWF/AJB)

Reporter

2006 U.S. Dist. LEXIS 87739 *

Bilal Haidari, Yamen Haidari, Zahi Haidari, Plaintiffs, v. Denise Frazier, District Director, U.S. Citizenship & Immigration Services; Eduardo Aguirre, Director, U.S. Citizenship & Immigration Services; Alberto Gonzales, Attorney General of the United States; Michael Chertoff, Secretary, U.S. Department of Homeland Security, Defendants.

Subsequent History: Motion denied by, Remanded by [Haidari v. Frazier, 2006 U.S. Dist. LEXIS 89177 \(D. Minn., Dec. 8, 2006\)](#)

Core Terms

subject matter jurisdiction

Counsel: [*1] For Bilal Haidari, Yamen Haidari, Zahi Haidari, Plaintiff: Herbert A Igbanugo, LEAD ATTORNEY, Blackwell Igbanugo PA, Minneapolis, MN.

For Denise Frazier, District Director, U.S. Citizenship & Immigration Services, Eduardo Aguirre, Director, U.S. Citizenship & Immigration Services, Alberto Gonzales, Attorney General of the United States, Michael Chertoff, Secretary, U.S. Department of Homeland Security, Defendant: Mary J Madigan, LEAD ATTORNEY, US Attorney - Mpls, Mpls, MN.

Judges: DONOVAN W. FRANK, Judge of United States District Court.

Opinion by: DONOVAN W. FRANK

Opinion

ORDER

This matter is before this Court on Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction. Oral argument was heard on December 1, 2006.

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.

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

1. The Defendants' Motion to Dismiss (Doc. No. 8) is **DENIED and REMANDED** to USCIS. The USCIS is ordered to complete its adjudication of Plaintiffs' I-485 applications within 30 days. Upon completion [*2] of the adjudications, the USCIS shall promptly inform this Court and the Plaintiffs of its decisions. 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.

2. The Plaintiffs' Motion for Default Judgment (Doc. No. 3) is **WITHDRAWN**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 1, 2006

s/ DONOVAN W. FRANK

Judge of United States District Court

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