

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

BOB I. CLIENT,	)	
A XXX-XXX-XXX,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No.
ALBERTO GONZALES, Attorney General	)	
of the United States;	)	
MICHAEL CHERTOFF, Secretary,	)	
Department of Homeland Security;	)	
ROSEMARY MELVILLE, Director,	)	
Atlanta Office, U.S. Citizenship and	)	
Immigration Services; and	)	
EMILIO T. GONZALEZ, Director, U.S.	)	
Citizenship and Immigration Services	)	
	)	
Defendants.	)	
_____	)	

**PETITION FOR A HEARING ON NATURALIZATION  
APPLICATION UNDER 8 U.S.C. § 1447(b)**

**To the Honorable Judges of Said Court:**

Plaintiff, Mr. Bob I. CLIENT, through undersigned counsel, allege as follows:

## INTRODUCTION

1. Plaintiff is a lawful permanent resident of the United States who is statutorily eligible to naturalize and become a United States citizen. Plaintiff's Application for Naturalization, Form N-400, has been unlawfully delayed by Defendants. As a consequence, this Court has jurisdiction to adjudicate Plaintiff's Application for Naturalization, Form N-400, and to grant him naturalization pursuant to 8 U.S.C. § 1447(b).

## JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this case pursuant to 8 U.S.C. § 1447(b) (jurisdiction over naturalization application), 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 2201 (declaratory judgment), and 5 U.S.C. § 701 (Administrative Procedures Act).
3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e) and 8 U.S.C. § 1447(b) because Plaintiff resides within the district of this court and no real property is involved.

## PARTIES

4. Plaintiff has been a lawful permanent resident of the United States in excess of five years. His claim to become a naturalized citizen of the United States arises under 8 U.S.C. § 1447(b).
5. Defendants are the U.S. Attorney General, the U.S. Secretary of the Department of Homeland Security (DHS), the Director of the Atlanta Office, U.S. Citizenship and Immigration Services, and the Director of the U.S.

Citizenship and Immigration Services. Defendants are responsible for the granting of, or denial of, Applications for Naturalization, Form N-400, under the Immigration and Nationality Act and implementing regulations. *See e.g.*, 8 U.S.C. § 1421; 8 C.F.R. § 310; and 8 C.F.R. § 316.3.

### FACTS

6. On December 8, 2003, Plaintiff filed his Application for Naturalization with the U.S. Citizenship and Immigration Services (“USCIS”), and was issued a Receipt Notice, Number SSC\*00000000. (Exhibit 1, Receipt Notice). Plaintiff was subsequently interviewed by USCIS on November 23, 2004.
7. At the examination, Plaintiff satisfied all of the respective requirements for naturalization, responded truthfully to all questions, and provided all requested information. Following his interview, Plaintiff was notified that his application had been recommended for approval. (Exhibit 2, Naturalization Interview Results).
8. Plaintiff’s application remains pending despite inquiries to Defendants about the status of Plaintiff’s application. (Exhibit 3, Notice form USCIS dated March 22, 2005 stating Plaintiff would be notified when further action had been taken on his case).
9. Plaintiff is eligible for naturalization, meets all of the requirements for naturalization, and would have been approved for naturalization if Defendants had properly followed and implemented relevant statutes.

10. Many more than the 120 days have passed since the initial interview, and Defendants have made no decision on the Plaintiff's application in violation of 8 U.S.C. § 1447(b).

#### CLAIMS FOR RELIEF

11. Defendants' failure to make a determination on Plaintiff's application within the 120-day statutory period entitles Plaintiff to bring this matter before this court for a hearing pursuant to 8 U.S.C. § 1447(b).
12. Plaintiff seeks a de novo judicial determination of his naturalization application and a grant of naturalization from this court. In the alternative, Plaintiff seeks that the court remand his Application for Naturalization, Form N-400, to the USCIS with an order that it immediately adjudicate his application.

#### **WHEREFORE, Plaintiff requests that the Court:**

13. Grant this petition and enter a judgment granting Plaintiff naturalization and ordering that he be naturalized as a citizen of the United States;
14. In the alternative, remand the application to USCIS with an order that it adjudicate the application within 15 days of said order;
15. Grant Attorney's fees and costs under the Equal Access to Justice Act and/or other appropriate authority;
16. Grant such other and further relief as may be appropriate.

RESPECTFULLY SUBMITTED this 26th day of September, 2006.

KUCK CASABLANCA LLC

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Charles H. Kuck  
GA Bar Number: 429940  
3350 Peachtree Road, Suite 1600  
Atlanta, GA 30326  
Phone: 404-816-8611  
Fax: 404-816-8615

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Citizenship and Immigration Services	)	
	)	
Defendants.	)	
_____	)	

**LIST OF EXHIBITS**

Exhibit A	Notice of Action (Receipt Notice) Issued by USCIS	1
Exhibit B	Naturalization Interview Results dated November 11, 2004	2
Exhibit C	Correspondence from USCIS, Atlanta District Director	3