UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP

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U S DISTRICT COURT E.D.N.Y
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LONG ISLAND OFFICE

Plaintiffs

v.

MICHAEL CHERTOFF, Secretary of Department of Homeland Security and ANDREA QUARANTILLO, District Director United States Citizenship and Immigration Services New York District Office

Defendants

Case No

BLOCK, J.

LEVY, M.

COME NOW ! and and in the above-styled and numbered cause, and for cause of action would show unto the Court to following:

1. This action is brought against the Defendants to compel action on an application for lawful permanent resident status properly filed by the Plaintiffs. The application was filed and remains within the jurisdiction of the Defendants, who have improperly withheld action on said application to Plaintiffs' detriment.

2. Plaintiff United States citizen and the mother of , a citizen and national of Iran. They filed an application to obtain permanent residency for based upon the approval of an Immigrant Petition for Relative (I-130) filed pursuant to said familial relationship which approval classified Ms. as a Family Based First Preference. Said application for permanent residency (I-485) was filed with United States Citizenship and Immigration Services (USCIS) on April 4, 2005 and remains unadjudicated.

3. Defendant Michael Chertoff is Secretary of the Department of