

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIRSAD HAJRO, JAMES R. MAYOCK,)
)
) Plaintiffs,)
)
) v.)
)
) UNITED STATES CITIZENSHIP AND)
) IMMIGRATION SERVICES; T. DIANE)
) CEJKA, Director, USCIS National Records)
) Center; ROSEMARY MELVILLE, USCIS)
) District Director of San Francisco; JANET)
) NAPOLITANO, Secretary, Department of)
) Homeland Security; ERIC HOLDER, Attorney)
) General, Department of Justice,)
)
) Defendants.)

Case No.: 08-1350-PSG
**ORDER OF PERMANENT
INJUNCTION**
(Re: Docket No. 77)

Having determined Defendant United States Citizenship and Immigration Services (“USCIS”) to be in violation of certain provisions of the Freedom of Information Act (“FOIA”) for the reasons set forth in the court’s order of October 13, 2011 on cross-motions for summary judgment,¹ including FOIA’s timing provisions as set forth in 5 U.S.C. § 552(a)(6), the court hereby orders that:

¹ See Docket No. 77 (Amended Order Granting In Part and Denying In Part Motions for Summary Judgment) (“summary judgment order”).

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- 1) USCIS shall comply with the requirements set forth in 5 U.S.C. § 552(a)(6)(A) and (B).
 - a) USCIS shall provide a copy of a requestor’s alien registration file within the twenty-business-day time limit mandated by 5 U.S.C. § 552(a)(6)(A)(i).
 - b) USCIS shall make a determination with respect to any FOIA appeal within the twenty-business-day time limit mandated by 5 U.S.C. § 552(a)(6)(A)(ii).
 - c) USCIS shall issue the written notice mandated by 5 U.S.C. § 552(a)(6)(B) to a requestor if an extension of an additional ten business days is needed due to “unusual circumstances.” This written notice must set forth the unusual circumstances, as defined in 5 U.S.C. § 552(a)(6)(B)(iii) for such extension and setting a new response date. The final response date shall be within 30 business days of the original request date.
- 2) USCIS shall follow, implement, and execute the terms of the 1992 Mayock Settlement Agreement.
- 3) This injunction takes effect immediately, without prejudice to the government’s right to pursue a stay pending appeal.
- 4) USCIS shall issue a written notice to the USCIS National Records Center describing the terms of this permanent injunction and instructing the National Records Center regarding compliance with the terms of this injunction.

IT IS SO ORDERED.

Dated: May 4, 2012



 PAUL S. GREWAL
 United States Magistrate Judge