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13 Attorneys for Petitioners

14 UNITED STATES DISTRICT COURT  
15 SOUTHERN DISTRICT OF CALIFORNIA  
16 SAN DIEGO DIVISION

17 DANIEL TARTAKOVSKY, MOHAMMAD  
18 HASHIM NASEEM, ZAHRA JAMSHIDI,  
MEHDI HORMOZAN,

19 Plaintiffs-Petitioners,

20 v.

21 PAUL M. PIERRE, District Director, U.S.  
Department of Homeland Security, Bureau of  
22 Citizenship and Immigration Services, San Diego  
District; EMILIO T. GONZALEZ, Director, U.S.  
23 Department of Homeland Security, Bureau of  
Citizenship and Immigration Services; MICHAEL  
24 CHERTOFF, Secretary of Homeland Security;  
ROBERT S. MUELLER III, Director of the  
25 Federal Bureau of Investigation; MICHAEL  
MUKASEY, Attorney General of the United  
26 States,

27 Defendants-Respondents.  
28

CASE NO. 07-CV-1667 (BEN)

**NOTICE OF MOTION AND  
MOTION FOR CLASS  
CERTIFICATION**

**(Oral Argument Requested)**

**CLASS ACTION**

Date: April 7, 2008

Time: 10:30 a.m.

Courtroom: 3

Judge: Honorable Roger T. Benitez

**NOTICE OF MOTION**

TO THE COURT, ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on April 7, 2008, at 10:30 a.m., before the Honorable Roger T. Benitez, at the United States Courthouse at 940 Front Street, San Diego, California, Plaintiffs will and hereby do move the Court for an order certifying a class in this matter as follows: All persons residing within the jurisdiction of the United States District Court for the Southern District of California who have submitted or will submit applications for naturalization to CIS, and who have met all statutory requirements for naturalization, and whose applications for naturalization are not adjudicated within 120 days of the date of their naturalization examinations because of a pending FBI name check.

Plaintiffs further will and hereby do move for an order appointing them as representatives of the class defined above, appointing Plaintiffs' counsel as counsel for the class, and requiring the government to identify members of the class.

This Motion is made pursuant to the Federal Rule of Civil Procedure 23(a) and 23(b)(2). Plaintiffs move for certification of a class with regard to the second, third and fourth causes of

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1 action in the Complaint. The Motion is based upon this Notice of Motion, the attached  
2 Memorandum of Points and Authorities, and all papers on file in this matter.

3 Dated: February 8, 2008

Respectfully submitted,

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