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9 UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 10 WESTERN DIVISION

11 CAROLYN ROBB HOOTKINS, et al.) Case No. CV07-5696 (CAS)
)
 12 Plaintiffs,) Date: January 12, 2009
) Time: 10:00 a.m.
 13) Courtroom: 5
) Honorable Christina A. Snyder
 14 v.)
)
 15 MICHAEL CHERTOFF, Secretary, U.S.)
 Department of Homeland Security,) DEFENDANTS' NON-OPPOSITION TO
 16) PLAINTIFFS' MOTION
) FOR ORDER LIFTING STAY
 17 Defendants.)

1 Defendants respectfully do not oppose Plaintiffs' Motion for
2 Order Lifting Stay and the lifting by this Court of the Order
3 Granting Stipulation to Stay Proceedings (Dkt. # 102).

4 The Court issued an Order (Dkt. # 102) staying this lawsuit
5 based on a stipulation of the parties requesting abeyance (Dkt.
6 101). The stipulation was based upon the fact that enactment of
7 either S. 3369, as introduced in the Senate on July 30, 2008, or
8 H.R. 6034, as amended by the House Committee on the Judiciary on
9 July 16, 2008, would resolve all or part of the issues being
10 litigated in this case. The parties filed a Joint Status Report
11 with the court on October 15, 2008, stating "there has been little
12 significant movement on HR 6034," and "[t]here has been no Senate
13 action on S. 3369" (Dkt. # 103). Congress will adjourn the 110th
14 Congress on January 3, 2009, without enactment of either H.R. 6034
15 or S. 3369.

16 However, based upon the makeup of the incoming 111th Congress,
17 Defendants believe that H.R. 6034, which was reported (Amended) by
18 the Committee on the Judiciary and placed on the Union Calendar,
19 Calendar No. 586, on October 3, 2008, has a greater likelihood of
20 passage than in the 110th Congress. Defendants are unable to
21 predict any time frame for the passage of the legislation. The
22 enactment of either H.R. 6034 or S. 3369 would amend the
23 Immigration and Nationality Act to provide Plaintiffs the relief
24 they seek in this lawsuit.

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Respectfully Submitted,

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By: S/ Elizabeth J. Stevens
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Dated: 24 December 2008

CERTIFICATE OF SERVICE

Case No. CV07-5696 (CAS)

I hereby certify that on this 24th day of December 2008, true and correct copies of **DEFENDANTS' NON-OPPOSITION TO PLAINTIFFS' MOTION FOR ORDER LIFTING STAY** were served pursuant to the district court's ECF system as to ECF filers on December 24, 2008, to the following ECF filers:

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