

**UNITED STATES DISTRICT COURT DISTRICT OF KANSAS
KANSAS CITY, KANSAS**

MITESH PATEL,)
A#78 544 991)
Plaintiff,)
v.)
ALBERTO GONZALES, Attorney General)
of the United States;)
MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security;)
MICHAEL JAROMIN, Director,)
Kansas City Office, U.S. Citizenship and)
Immigration Services;)
EMILIO T. GONZÁLEZ, Director,)
U.S. Citizenship and Immigration Services)
ROBERT S. MUELLER, III, Director)
Federal Bureau of Investigations)
Defendants.)
_____)

Civil Action No. 06-2397-KHV

ORDER GRANTING MOTION FOR VOLUNTARY DISMISSAL

NOW on this 31st day of January, 2007, the Court orders that Petitioner's Motion for Voluntary Dismissal, (Doc. # 10) and Amended Motion to Dismiss (Doc. #12), are hereby **granted**.

WHEREFORE, the matter is dismissed without prejudice.

IT IS SO ORDERED.

s/ Kathryn H. Vratil
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT DISTRICT OF KANSAS KANSAS CITY,
KANSAS

MITESH PATEL,)
A#78 544 991)
Plaintiff,)

v.)

) Civil Action No. 06-cv-02397

ALBERTO GONZALES, Attorney General)
of the United States;)
MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security;)
MICHAEL JAROMIN, Director,)
Kansas City Office, U.S. Citizenship and)
Immigration Services;)
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U.S. Citizenship and Immigration Services)
ROBERT S. MUELLER, III, Director)
Federal Bureau of Investigations)
Defendants.)

AMENDED MOTION TO DISMISS

Pursuant to Federal Rule of Procedure 41, Petitioner Mitesh Patel, moves the court to dismiss the Petition since the matter in this litigation has been resolved. Petitioner, however, submits that the action is not necessarily moot based on the doctrine of voluntary cessation. Nevertheless, the parties have had an opportunity to discuss the matter and are in agreement that, under the current circumstances, dismissal is proper.

Petitioner filed this suit based on 8 USC 1447(b). Once filed, the Court had exclusive jurisdiction to either determine or remand the matter. Thus, in order to give full legal weight to the certificate of naturalization issued by the agency, the Petitioner respectfully requests that the Court issue an order of dismissal effective as of January 11, 2007, the day before Petitioner was sworn in as a US citizen.

WHEREFORE, the court should grant dismissal of the petition without prejudice.

Respectfully submitted,

s/Rekha Sharma-Crawford
REKHA SHARMA-CRAWFORD, 16531
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7208 W. 80th, Suite 202
Overland Park, KS 66204
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2007, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

David Zimmerman– Assistant United States Attorney

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